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Guam

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I. Background information

Geography and population

1. Guam[1] is the southernmost and largest of the Mariana Islands in the Pacific, situated about 1,350 miles south of Tokyo and 3,700 miles west-south-west of Hawaii. It consists of a single island of approximately 212 square miles. It comprises two distinct geological areas of about equal size. The northern part of the island is a high coralline limestone plateau and the southern region is mountainous. Apra Harbour, which is located on the central western side of the island, is one of the largest protected harbours in the Pacific and is considered to be the finest deep water port between Hawaii and the Philippines. The capital city of Guam is Hagåtña, previously known as Agana.

2. According to the United States Census Bureau's official census, the population of Guam in 2000 was 154,805, an increase of 21,653 (16 per cent) since the 1990 census.[2] According to the census, the ethnic and racial composition of Guam's population is 37 per cent Chamorro (who are indigenous to the Territory). The population from the Freely Associated States (the Federated States of Micronesia, the Republic of the Marshall Islands, and the Republic of Palau) amounts to 11,094 (an increase of 128.18 per cent since 1990), the largest group being Filipinos (40,729), and from other Asian countries, 61,172 (an increase of 30.91 per cent since 1990). The white population was 10,509, a 43.33 per cent decrease since 1990. English and Chamorro are the official languages.

3. Most of the population are Christians, mainly Roman Catholic (90 per cent). Other major religious denominations are Baptist, Seventh-Day Adventist, Latter-Day Saints and Episcopalian. There are some Jews, Buddhists, Muslims and Jehovah's Witnesses.[3]

II. Constitutional, legal and political issues

A. General

4. Guam was administered by the United States Department of the Navy until 1950, when the United States Congress enacted the Guam Organic Act, which established institutions of local government and made Guam an organized Territory. Since then, the Territory has been administered by the Department of the Interior. Guam is an unincorporated Territory since not all provisions of the United States Constitution apply to the island. As an unincorporated Territory, in United States law Guam is a "possession of the United States but not a part of the United States".

B. Constitutional structure

5. Guam has a locally elected Government, which comprises separate executive, legislative and judicial branches. Universal suffrage with respect to local elections applies to Guamanians 18 years and older. Guamanians are citizens of the United States, but are not eligible to vote in the United States presidential elections while resident in the Territory. The people of Guam elect a Governor, who serves a four-

year term. Guam elected its first Governor in 1970. The Governor is responsible for the general supervision and control of the executive branch and submits an annual report to the Secretary of the Interior for transmission to Congress. The Governor may issue executive orders and regulations, recommend bills to the Legislature, make his views known to that body and veto legislation.

6. The people also elect 15 senators who serve two-year terms in a unicameral Legislature. The Legislature may override the Governor's veto. Under the Organic Act of 1950, the United States Congress reserves the authority to annul any law enacted by the Guam Legislature.

7. In 1972, a new law gave Guam one non-voting delegate to the United States House of Representatives. The delegate, who serves a two-year term, may vote in committee but not on the floor of the House.

C. Legal system

8. The local judicial system is made up of a Superior Court and a Supreme Court led by judges appointed by the Governor and confirmed by the Legislature. Local judges are subject to confirmation by the voters every six years. A District Court judge, appointed by the President of the United States, is the head of the United States District Court for Guam. In 1998, Congress adopted an amendment to the Organic Act allowing the Guam Legislature to elect its own attorney-general in 2002. Douglas Moylan was elected on 5 November 2002 for a four-year term. The Attorney-General is the Chief Legal Officer of the Government of Guam. The Office of the Attorney-General provides legal services to the Government of Guam and is empowered with prosecutorial authority.

9. At the beginning of 2003 a new bill was introduced to the Legislature under the title "An act to re-organize the Judiciary as the third co-equal branch of the Government; to designate the Judicial Council as head of a unified Judiciary; and to amend Titles 7 and 19 of the Guam Code Annotated relative to the Judiciary and its operations".[4] The Bill would introduce major modifications in the Guam judiciary system and it is currently under examination by the Legislature.

D. Political parties and elections

10. Guam has two main political parties, the Republican Party and the Democratic Party, which are local chapters of the two main United States political parties. In November 2002, Guam held general elections. The Republican candidate, Felix Camacho, defeated former Congressman Robert Underwood by 4,500 votes and was elected Governor. The Democratic candidate, Madeleine Bordallo, was elected as Guam Representative to the United States Congress. In the vote for the Legislature, the Democratic Party won 9 seats, while 6 seats went to the Republican Party. In addition, Guamian citizens also voted to elect the School Board, the Attorney-General and the Consolidated Commission on Utilities and to revise the regulation covering the legal drinking age.[5]

E. Political issues

11. Guam has long been seeking to change its political status relative to the United States. In a 1976 referendum, Guamanians decided to maintain close ties with the United States, but to begin negotiations to improve the Territory's status. In 1979, the people of Guam rejected a draft constitution by a margin of five to one, mainly on the grounds that the question of political status had to be resolved before a meaningful constitution could be drafted.[6] In a 1982 run-off referendum, 73 per cent of voters opted to pursue commonwealth status with the United States. According to the Commission on Self-Determination, established in 1984 to draft a commonwealth agreement, this status was intended to be an "interim" status that would provide an opportunity for Guam to structure a better relationship with the United States.

12. In May 1986, the Commission on Self-Determination completed a draft Commonwealth Act, which, after a public education campaign, was submitted to an article-by-article vote on 8 August 1987 (see A/AC.109/1192, paras. 19-37). Voters approved the central proposal, but rejected articles empowering the Government of Guam to restrict immigration and granting the indigenous Chamorro people the right to determine the future political status of the Territory. In a further referendum in November 1987, both of these outstanding provisions were approved after they had been amended and rewritten. A summary of the main points in the draft Commonwealth Act is contained in the 2001 working paper (A/AC.109/2001/4).

13. Negotiations between the Guam Commission on Self-Determination and the United States Government over the draft Commonwealth Act began again in 1989 and continued through 1997 without resolution (see A/AC.109/2000/6, paras. 19-22, A/AC.109/1192, paras. 19-37 and A/AC.109/2018, paras. 74-83). According to a statement made by the Governor, Carl T. C. Gutierrez, to the House Resources Committee of the 105th Congress in October 1997, the position of the United States executive branch with regard to the draft Act has essentially been that it was unconstitutional insofar as it did not recognize the plenary authority of Congress over Guam.

14. In 1997, Guam public law 23-147 established a Commission on Decolonization for the Implementation and Exercise of Chamorro Self-Determination. This Commission, in concert with a process of registration of eligible voters by the Guam Election Commission, was to oversee the conduct of a vote on the Chamorro people's status preferences of independence, integration or free association in accordance with international standards.

15. In 2000, the Guam Legislature provided the Guam Election Commission with the power to set the date of the decolonization plebiscite. The plebiscite would ask the Territory's indigenous people, defined by law, as persons or descendants of persons who were in Guam at the time of the United States ratification of the Treaty of Peace with Spain in 1898, and/or persons or descendants of persons who received United States citizenship pursuant to the Organic Act of 1950, to choose between statehood, independence or free association with the United States. The plebiscite would be non-binding but would set the course of any future status negotiations with the administering Power. The plebiscite has been postponed several times since 1997, because of funding problems, and to provide adequate time for the registration of voters and the conduct of an education campaign.

III. Budget

16. Most of the Government's revenues come from hotel occupancy and gross receipt taxes generated by activities in the tourism industry.

17. In the 2002 budget, the Governor proposed that the Government of Guam borrow $427 million on the bond market for government retirement expenses. According to the Guam Economic Development Authority, this bond would more than double the Government's bond debt from $407 million to $834 million and push the island closer to the maximum allowed bond debt of $1.1 billion set by federal law.[7] According to press reports, in March 2002 an important credit rating agency downgraded Guam's debt status from the lowest rating in the investment grade category to the category of non-investment. The agency summary attributed the downgrade to Guam's reliance on a weak tourism industry, a deficit of $99 million and a debt of $440 million. The Guam Government was reported to comment that this would mean that for every $100 million that it borrowed, it would cost $5 to $10 million in interest payments.[8]

18. In March 2002 the press reported that the Governor of Guam issued an alarming warning that the Territory would face bankruptcy by the end of the current fiscal year unless it cut wages and increased taxes on goods and services. Since the local legislature rejected the proposal, the Governor proposed to lay off public workers instead. The Legislature responded by passing a bill that restricted the Governor's powers and prevented the lay-offs.[9]

19. According to press reports, total revenue had been declining during 2002. For example, revenues declined by 26 per cent, from $33 million in May 2001 to $24 million a year later. The Government of Guam was also expected to overspend its fiscal 2002 budget by $100 million. Of the current budget, 91 per cent was dedicated to personnel. The new Government announced that it expected to manage the fiscal crisis through an aggressive tax collection and federal aid that could help to manage the cash shortages without laying off employees.

20. In the 2004 budget for the Office of Insular Affairs, the United States Government included $15 million for mitigation aid to Guam, the Commonwealth of the Northern Mariana Islands and Hawaii.[10] In addition, in October 2002, Guam received $49 million as its annual share of federal funds. The money came from the collection of federal taxes from soldiers and federal employees who live and work in Guam. In December 2002, the Department of the Interior warned that the level of economic assistance that each United States Territory would receive from the Department would be determined in part by the "strength and independence" of its public auditor's office. Additionally, the responsiveness in addressing issues raised in audits would be considered in the process of awarding discretionary grants to these Governments and to other island grant recipients.[11]

21. At the beginning of 2003, Guam and the Northern Marianas established a regional partnership to improve their capacity to lobby for federal United States funds.[12]

22. During 2002, a number of cases of corruption and mismanagement of public funds by public officers were reported. Two government officials were indicted on fraud, extortion and other charges in two separate cases while the airport agency underwent scrutiny for alleged abuses in spending of public funds.

23. In January, a federal court sentenced a former officer of the Department of Parks and Recreation to 10 years in prison. Among the charges, there were bid-rigging, bribery, wire fraud and money laundering in relation to the supertyphoon Paka recovery projects in 1998. According to press reports, one officer accepted more than $100,000 in kickbacks. In July, two officers were accused of using their official positions to extort money from two businesses seeking authorization for development projects. The officers will stand trial in February 2003 on a 22-count indictment that includes charges of conspiracy to commit wire fraud, misapplication of government agency funds, and extortion.

24. In November, the Public Auditor discovered alleged abuses in the spending of public funds by the airport agency and some of the agency officials. In particular, the audit found unjustified travel expenses that caused an increase in spending on business travelling to more than $1 million during two years, from just $97,000 in 1999.

25. According to press reports, in the past year the Office of the Public Auditor also examined the books of the Guam Housing Corporation, the Department of Administration, the Guam International Airport Authority and the Department of Corrections, and has found questionable payments or actions by the Guam Memorial Hospital Authority, the Government of Guam Retirement Fund and the Department of Land Management.[13]

IV. Economy

A. General

26. The Guam economy is dominated by tourism, while the public sector (including the United States military) and construction remain important. Farming and fishing are relatively well developed. Vegetables, citrus and tropical fruits, coconuts and sugar cane are grown and livestock, especially poultry, is raised. Manufacturing includes textiles, cement and plastics.[14]

27. During 2002, the economy of Guam faced different problems. In particular, the tourism industry suffered from economic slowdown and natural disasters. The industry had recorded a 30 per cent decline in January 2002 caused by the September 2001 events. In the first part of 2002, it was showing signs of recovery when typhoon Chata'an struck the island in July, causing extensive damage. Five months later, supertyphoon Pongsona damaged and destroyed tourism infrastructure and many homes and buildings. As a consequence, tourist arrivals stopped altogether while business and consumer activities slowed because power, water and telecommunications infrastructure were interrupted. An economic recovery is expected in 2003 as various forms of financial aid from the federal government and charities reach the Territory. The construction sector should mainly benefit from the rebuilding of damaged properties.[15]

28. According to the August 2001 Economic Report on Guam by the Bank of Hawaii, since 1999 the flow of public information on the economy has been limited severely, thus affecting the capacity of both the public and private sectors to make informed decisions. Among the causes of poor availability of economic data are the

dismantling of the Guam Finance Commission and the lack of experienced staff in the Government of Guam.

29. The economy is still affected by the 1995 decision to shut down some military facilities on the island. During 2002, there have been some meetings with civilian and military leaders about a potential increase in military activity on Guam.[16] During these meetings, the Government of Guam showed renewed interest in receiving help from military investments. The representative of Guam to the United States Congress was reported as saying that "Whatever thoughts we had about the military years ago, those attitudes have changed. We have learned that we may not be able to ride on tourism alone, we need something else. We are very anxiously looking to an increase of military activity in Guam".[17]

30. During the year, new military equipment was deployed on the island (see paras. 52-54). In early December 2002, the President of the United States signed into law a bill that set aside $75 million for military construction projects on Guam for fiscal 2003. The amount is an increase from the $66 million in military construction projects for Guam in the previous year. The $75 million budget included $6.9 million for the third phase of the Army National Guard Readiness Center, $15.6 million for an off-base water supply for Andersen Air Force Base and $16 million for a new fitness centre at Andersen.[18]

31. Guam is a duty-free port that facilitates the movement of raw materials for manufacturing. It also participates in two major trade programmes designed to promote export-oriented manufacturing: the Harmonized Tariff Schedule of the United States and the Generalized System of Preferences. Nonetheless, the Territory consistently records a trade deficit. The Department of Commerce reported a steady decline in the value of Guam's total exports. The total value was $86.4 million in 1998, $75.7 million in 1999, $73.5 million in 2000 and only $60.8 million in 2001. The main recipient of Guam exports was Japan with a total value of $30.4 million in 2001. Major export commodities are fish and crustaceans, mineral fuels, oils and waxes, tobacco and manufactured tobacco substitutes and automobiles. Imports were valued at $44.6 million for January 2001, $38.4 million for April 2001, $50 million for July 2001 and $34.6 million for October 2001.[19]

B. Primary economic sectors

1. Agriculture and fisheries

32. The agriculture and fisheries sector has played a small role in the economy of Guam, accounting for less than 1 per cent of total private sector employment. The fishing industry, which began a major expansion in the late 1980s, continued to be important within the sector. According to the latest available figures compiled by the Department of Commerce in 1999, the dollar value of agricultural products, including fruits and vegetables, was $3,323,039.[20]

2. Manufacturing/industry

33. One of the major industries on Guam, and the third most important economic sector (after tourism and the public sector), is construction. Construction as a generator of employment remains significantly above the average for the United States, although it has been declining during the last decade. According to estimates

of the Department of Public Works, in 2001 the Department issued 1,030 construction permits for a value of $117,043.[21]

34. In the future, the sector should benefit from the increase in military spending and from reconstruction works after the typhoons. According to press reports, increased business from the military could mean new jobs for the island economy. As an example, a company that obtained military contracts for $70 million in 2002 was expected to hire as many as 700 people.[22] In relation to reconstruction projects, analysts suggested that "it is probably going to be the biggest construction injection into the economy since the early 1990s hotel construction boom".[23]

3. Tourism

35. Guam's tourist industry as well as much of its economy is dependent on Japanese tourism. In 2001, 80.2 per cent of tourists to Guam came from Japan, 8 per cent from the Republic of Korea, and only 3.7 per cent from Hawaii and the mainland United States combined.[24]

36. In 2002, the tourist industry confirmed its dependency on the Japanese market. According to the Visitors Bureau, December's supertyphoon would cost $45 million in lost tourism spending from Japan alone. In addition, because of Japan's long-running economic stagnation in 2002, the average Japanese tourist in Guam spent $676, compared to $1,500 average spent in 1990. According to the new Governor, Guam wishes to open a new market for tourists from China. The new Governor said that "We are working to establish a Guam-only visa for China, the same kind of visa given to Japanese and Koreans". Under a visa waiver system, citizens of 14 Asian countries board flights to Guam only without visas, filling out landing cards on board.[25]

37. Guam had a total of 10,084 hotel rooms in 2001, an increase of 65 per cent since 1991. The December 2002 typhoon caused at least $100 million damage to hotels and government-run utilities and pushed two Japanese-owned hotels into bankruptcy: the Guam Fujita and the Okura Island Inn. Two other hotels closed as a result of the 11 September travel downturn. The four closings have reduced hotel rooms by almost 10 per cent and reflect occupancy rates that slumped to 57 per cent last year, from 87 per cent in 1995. In 2000, $18.8 million was collected in hotel occupancy taxes.[26]

C. Finance

38. According to the Department of Commerce, bank deposits were at $1.5 million in 2001. Bank loans decreased from the 2000 figure of $2.97 million in 2000 to $2.78 million in 2001.[27]

International finance

39. The Government of Guam has adopted policies and laws with a view to establishing Guam as a financial service centre in the Pacific. In July 2000, the Governor signed the Guam-Based Trust Companies Act (public law 25-149), which clarified the definition of Guam-based trusts in order to provide confidence for potential investors as well as federal regulatory bodies. The law made it clear that, as Guam's banking system was regulated by both federal and local law, business

entities in Guam would have to file tax returns, unlike in other domiciles that have been labelled tax havens.[28]

40. As a result of the Guam-based trust initiative, 42 special qualifying certificates have been issued and 14 are still pending, representing a total of $198.8 million, which is expected to add $2.3 million annually to Guam's revenue. The trusts generate revenue for the Government of Guam despite the fact that 100 per cent of taxes on income are rebated to the trust. According to the new law, the Government holds tax revenues for 180 days. The interest accrued during that time is retained by Guam, and the initial tax levied is subsequently rebated in its entirety to the trust. The law also requires the trust's administration to be in Guam.[29]

D. Transport and communications

41. According to the Governor in his annual address,[30] the system of public roadways has undergone considerable improvement, relieving traffic congestion and providing benefits for small businesses and residents. In February 2001, the Governor initiated an island-wide transportation master plan that will involve several relevant government agencies. One of the tasks of the plan's implementers will be to determine whether to leverage annual federal highway funds and other grants to finance a massive overhaul of all main roads and transportation systems. This project, expected to cost $150 million, would also improve road safety and lower long-term maintenance costs. In November 2002, the United States Department of Transportation released $5.5 million in Federal Highway Administration Emergency Relief Funds for Guam. Guam will receive $368,000 for the repair and reconstruction of damages on Route 4 in the As-Alonso area caused by the 2001 earthquake, and $5,311,000 for highway repair and reconstruction for damage caused by typhoon Chata'an in 2002.[31]

42. The Port Authority of Guam administers the commercial port facilities at Apra Harbour. The Port Authority is a public corporation and an autonomous agency of the Government of Guam. Guam's port is a major trans-shipment centre of the western Pacific and is equipped to move containerized bulk and tuna cargo efficiently. The port has, in recent years, seen an average annual increase of 23 per cent in cargo. The Port Authority is expanding its container yard and is planning to spend $100 million in reconstruction activities up to the year 2005. In November 2002, Security Bill S.1214 required United States seaports to develop security plans and authorized $415 million in a discretionary grant. Guam will be eligible to apply for part of these funds.

43. The refurbishment of the Guam International Airport's runway system began in 2002. The first phase of the federally funded runway extension and renovation project is launched to extend the length of the two runways and to build a new taxiway to add safety to the airport. The whole project was expected to last two years and cost $20 million.[32] At present, Guam International Airport is the most modern in the western Pacific.[33] In May 2002, Philippines Airlines announced that it would operate new flights three times a week from Manila to Guam International Airport.[34] In December 2002, Northwest Airlines announced that it would temporarily suspend its service to Guam after the supertyphoon Pongsona severely damaged the airport.[35]

44. RCA Global Communications and IT&E handle cablegrams, facsimile and telex messages and overseas telephone calls. At the beginning of 2003, a local company launched an online text service to enable Global System for Mobile Communications (GSM) mobile communications between users in Guam and the Philippines at a cost of $0.05 per message.[36] The United States Postal Service handles mail delivery. Commercial mail delivery is also available through Federal Express and DHL. Guam has a daily newspaper, a newspaper published three times a week, several weekly and monthly commercial publications and military journals. According to the Federal Communications Commission, there are currently 11 FM and 2 AM radio channels, 3 local television channels and one cable television service provider. Two major radio stations had to interrupt service after the supertyphoon Pongsona hit the Territory.[37]

45. High-technology communications may represent an emerging growth sector for Guam. The Governor and Legislature have made information technologies a priority as part of a general effort to diversify the economy. Guam serves as major telecommunications hub for the Asia/Pacific rim.

46. The Government of Guam is currently privatizing the Guam Telephone Authority (GTA). In January 2002, the Government organized a privatization bidder conference.

47. According to the Department of Commerce, there were 70,769 primary telephone lines registered in 2001. Of these, 42,849 were residential lines and 27,920 were business lines. Telephone Authority revenue in the first three quarters of 2001 amounted to $18.3 million.

E. Water system, sanitation and utilities

48. Approximately 74 per cent of the water supply is provided by the Guam Waterworks Authority. The remainder is produced by the Air Force and Navy installations on Guam. The Government's water sources are groundwater and surface water (Ugum River). The Navy water source is a surface reservoir (Fena Lake) in the southern part of the island. The state of the water and sewerage system is poor. Leaks are frequent, posing significant health and environmental problems and inhibiting development.[38]

49. According to press reports, during 2002 the Territory experienced several water shortages, notices to boil water and sewage overflows. Public and private schools, as well as the University of Guam and Guam Community College, had to cancel classes because of water shortages. The Navy had problems processing water from Fena Lake to meet new United States Environmental Protection Agency drinking water standards. In December, the United States Government filed a complaint against the Waterworks Authority and the Government of Guam for repeated violations of the federal clean water and safe drinking water acts.[39]

50. Nevertheless some improvements to the island's water system were made. The Waterworks Authority created an education programme for employees, a team of water and wastewater experts assessed the utility capacity and in November 2002 the island elected its first Consolidated Commission on Utilities. The Commission oversees the operations of Waterworks and the Guam Power Authority. In December

2002, the Commission asked Waterworks managers to resign by January to appoint new ones.[40]

51. The Guam Power Authority, an autonomous agency of the Government of Guam, is responsible for providing electricity throughout the island.

V. Military issues

52. Guam was administered by the United States Navy until 1950, and remains the site of extensive United States naval and air force installations. Petroleum storage, munitions stowage, extensive communications facilities and other service industries that cater to the military establishment form the basis of the military infrastructure in Guam.

53. The United States military presence and spending on Guam has decreased considerably during the last decade. In 2000, the Navy had about 4,000 military personnel, about 4,000 dependants and 2,000-3,000 contract civilian workers. The Air Force had about 1,800 military personnel, almost 2,200 dependants and less than 400 civilian workers.[41] In March 2001, a survey conducted by the Guam Chamber of Commerce reported that 83 per cent of Guam's 445 registered voters supported an increase in military activity in Guam and agreed that it made "a positive contribution to Guam".[42] During the review period, the United States Navy transferred two Los Angeles class, fast-attack nuclear submarines in Guam, the *USS Corpus Christi* and the *USS San Francisco*. A third submarine is expected to reach Guam early in 2003. Relocation of these submarines will add more Navy personnel to the base at Guam. The personnel of three submarines and the "submarine tender", the *USS Frank Cable*, which can perform nuclear vessel repairs, totals 650 persons.[43]

54. At the beginning of 2003, the United States Department of Defense deployed 24 long-range strategic bombers to Guam.[44]

VI. Land issues

55. As reported in previous working papers, the question of land use and ownership is a major and ongoing consideration on Guam. This question comprises two major issues: (a) the return of unused or underutilized lands held by the Department of Defense; and (b) the return of these lands to the original Chamorro landowners. The United States Government, principally its Department of Defense, currently holds title under United States law to over one third of the island. This land was condemned and acquired from private landowners by the Department of Defense during the years following the Second World War, when Guam was under the administration of the United States military, initially on a year-to-year lease between 1945 and 1950 and subsequently acquired by the United States Government through eminent domain procedures after the extension of citizenship. In 1994, Congress passed the Guam Excess Lands Act (public law 103-339) to return 3,200 acres to the people of Guam, which has begun to be implemented.

VII. Social conditions

A. General

56. The people of Guam are eligible to receive benefits under a variety of federal programmes, including Social Security, Medicare, aid to families with dependent children, aid to the blind, general assistance, old age assistance, aid to the permanently and totally disabled, food stamps and Medicaid. Territories, like states, may choose not to participate in grant programmes. Participation in these programmes requires accepting federal rules and guidelines and sometimes matching federal expenditures with local expenditures. In the case of Guam, such participation in addition to "matching federal expenditures with local expenditures" requires that the Government of Guam pay nearly 80 per cent for many of the aforementioned programmes.

57. In the absence of a Medicaid match (along with its federal requirements) Guam has established the Medically Indigent Program, fully funded by the Territory. This programme's cost in fiscal year 2001 was over $25 million.

58. According to the 2001 census, 23 per cent of the population was living under the poverty line. Indicators of social assistance have been rising in recent years. According to the United States Food and Nutrition Service, participation in the food stamp programme rose from a monthly average of 5,609 households (17,783 individuals) in 1997 to 7,024 households (22,809 individuals) in 2001. The corresponding expenditures were $27.18 million and $35.88 million. In addition, the average monthly benefit per person rose from $127.38 in 1997 to $136.32 in 2001.[45]

B. Labour

1. General

59. According to the Guam Department of Labor, between June 2001 and June 2002 Guam's private sector lost about 4,000 jobs and shrank to 39,490 because of lay-offs and business closures. The island's unemployment rate was at 13.5 per cent in 2001.[46]

60. In 2001, over a quarter (28 per cent) of the workforce was in the service sector, of which over a third worked in hotels and other lodging places. The retail trade sector employed 20 per cent of the workforce, transportation and public utilities accounted for another 8 per cent, the construction sector for 7 per cent and the financial sector for 4 per cent. The rest of private sector employment is made up of wholesale trade (3.3 per cent), manufacturing (2.6 per cent) and agriculture (less than 1 per cent).

2. Public service

61. Both the Government of Guam and the United States Federal Government in Guam undertook substantial downsizing measures in 2000. The Government of Guam undertook a buyout and early retirement programme, while the federal Government began outsourcing functions to private contractors. As a result, employment by the Government of Guam declined by 7.2 per cent from 13,540 to 12,560 jobs in fiscal year 2000. Federal jobs declined by 30.0 per cent, from 4,530

to 3,170 jobs in the same time period. The government sector now accounts for just over 26 per cent of total civilian employment.

C. Education

62. Guam has an extensive public and private education system. The public education system includes the University of Guam, the Guam Community College, four public high schools, seven middle schools, and 27 elementary schools. The private system includes two business colleges, five high schools and several elementary schools. Most of these are affiliated with Roman Catholic and Protestant religious denominations. A new bill, the Guam Charter School Act, allowed the establishment of private charter schools independent from the Department of Education.[47]

63. The 2002 budget provided about $139 million to the Department of Education. Of this amount, about $133 million was allocated for personnel services expenses and $5.5 million for utilities. During the year, the Department as a whole overspent its budget by $4.5 million.[48]

64. For the school year 2002-2003, the Department of Education reported that 9,081 students were enrolled in high school, 7,554 in middle school and 14,705 in elementary school. According to press reports, in 2002 the Department faced a number of problems including lack of air conditioning, lost school days, low test scores and lack of certified teachers.[49]

65. In July 2002, the Western Association of Schools and Colleges removed the University of Guam's probationary status and reaffirmed its accreditation. The University was placed on academic probation in July 2000, when it was found not to have adequate library facilities or adequate financing.[50]

66. At the beginning of 2003, the Government announced a cost-saving plan for the Department of Education that would save about $410 million. As part of the plan, the Department will furlough 1,177 non-teaching employees for four weeks during the summer.[51]

D. Public health

67. According to the World Health Organization,[52] the people of Guam enjoy a healthy status. Infant and maternal mortality rates are low. Virtually all births take place in a medical setting and most pregnant women receive prenatal care from a trained health-care worker during pregnancy. Illnesses that contribute to population morbidity and mortality are generally related to lifestyle. However, a reduction in human and financial resources has severely impacted the health system in Guam. In addition, the early retirement programme resulted in a decrease in experienced health workers.

68. The United States Centers for Disease Control reported that in 2001 there were 59 people living with the human immunodeficiency virus (HIV) and 32 with acquired immunodeficiency syndrome (AIDS). The rate of AIDS cases had decreased between 2000 and 2001 from 8.4 per 100,000 to 7.6 per 100,000 inhabitants.[53]

69. Guam has a 192-bed hospital, the Guam Memorial Hospital, and a United States Naval Hospital that serves military personnel and their dependants. In the mid-1990s, there were around 140 physicians and 30 dentists on Guam.

E. Immigration

70. A major issue in the federal Government's relations with Guam is the migration from the Freely Associated States of the Marshall Islands, Micronesia (Federated States of) and Palau. The Compact of Free Association Act of 1985, which established the relationship between the United States and the Federated States of Micronesia, and the Marshall Islands, authorized unrestricted migration from those Pacific island nations to the Territories and possessions. That enabled citizens of those islands to enter Guam and to lawfully engage in occupations as non-immigrant aliens.[54] These immigrants and their American-born children have settled in Guam, Hawaii and the Northern Mariana Islands. This has strained the resources of the recipient states and Territories.

71. In order to reimburse Guam and other compact Territories for the cost of providing government services for regional immigrants, the federal Government has issued compact impact funding. It was reported that in 2002 Guam would receive $6.38 million from the federal Government to compensate it for costs incurred as a result of unregulated immigration from Micronesia.[55]

72. In addition, the immigration policies currently applied to Guam have resulted in a considerable growth in migration from countries, particularly the Philippines, into Guam. The 2000 census indicated that, while the Chamorro population stood at 65,243, the non-Chamorro population was 86,798.

F. Human rights and related issues

73. The question of human rights in Guam is mostly centred on the rights of indigenous peoples. The 2000 census revealed that more than half the population of Guam consisted of immigrants. One effect of significant recent immigration to the Territory has been to raise the awareness of the Chamorros' rights within the framework of Guam's status as a Non-Self-Governing Territory and as an indigenous people.

74. The question of a recognized separate identity for the Chamorros impinges on the question of self-determination that was included in the Commonwealth Act and in the Guam laws providing for a process of determining the preference for a decolonized status. Both the Commonwealth Act and the above-mentioned laws establish requirements for the eligibility to vote that correspond with the United States assumption of sovereignty in Guam. The United States opposes any restriction on eligibility to participate in Guam's self-determination process, arguing that the right of self-determination must be exercised by all the people of Guam, and that any limitation would violate the right for equal treatment under the law which is guaranteed by the United States Constitution. Under United States law, this equal protection requirement extends to any United States citizen who is resident in Guam for 30 days.

VIII. Environment

75. Guam continues to experience environmental problems related to the United States occupation during the Second World War (see A/AC.109/2001/4, para. 83). In January 2002, the Navy agreed to pay $42,000 in fines and spend $380,000 to improve its waste management, after the United States Environmental Protection Agency found that the Navy Public Works Center had handled hazardous waste poorly in the year 2000.[56]

IX. Relations with international organizations and entities

A. United Nations system

76. Guam is an associate member of the Economic and Social Commission for Asia and the Pacific. The World Health Organization carries out training projects in Guam. In addition, Guam has been involved in the Multilateral High-level Conferences on the Conservation and Management of Highly Migratory Fish Stocks in the Western and Central Pacific, which originated under the United Nations Convention on the Law of the Sea and related conventions.

77. In 2002, representatives of Guam were invited to participate as observers, without the right to vote, in the deliberations of the World Summit on Sustainable Development in Johannesburg.[57]

B. Regional organizations and entities

78. Guam is a member of the secretariat of the Pacific Community, a 27-member organization dedicated to providing technical advice, assistance, training and research to promote the development of its members.

X. Future status of the Territory

A. Position of the territorial Government

79. In a statement to the Caribbean Regional Seminar, held in Havana, Cuba, from 23 to 25 May 2001, the Governor of Guam, Carl T. C. Gutierrez, expressed the hope that discussions on the question of Guam could commence as they had with American Samoa.

80. The Governor of Guam stated that, as the United Nations embarked on its Second International Decade for the Eradication of Colonialism, he was sure that the people in all the Non-Self-Governing Territories would agree that there was no substitute for their views when deciding their futures. It was also critical that full self-government be the objective of all efforts to remove a Territory from the list of Non-Self-Governing Territories. De-listing without achieving full self-government would simply push the issue of self-governance on to future generations. He said that Guamanians were Americans and they generally viewed their citizenship and the United States military interests in Guam as integral parts of their lives. Their goal was more meaningful participation in their relationship with the United States,

to have more say in the laws, rules and regulations that governed them. Unfortunately, the United States Constitution, with all its liberties, was not written with America's small offshore islands in mind. He stood before the Seminar as a proud American, saved from the hells of war and carried from a concentration camp by an American soldier. Nothing could erase from his mind and soul the real freedom that was represented by the United States.

81. The people of Guam only wished to educate their fellow Americans about their desire for more meaningful participation and would continue to carry that message to the United States Government. Guam supported United States regional military activity on its territory. Such support was grounded in their own experiences; they knew what it was to be vulnerable and they enjoyed the security and protection of being part of the United States. Over the past decade, however, the United States military's impact on Guam's economy had been greatly reduced, from more than 8,000 civilian employees in 1992 to less than 2,000 currently. Up to 10,000 Chamorros had left their homeland in Guam as a direct and indirect result of those changes.

82. The Governor concluded his statement by urging the Special Committee to keep the playing field level between the world's largest nations and the world's smallest jurisdictions. On a level playing field, the agreements reached would be stronger and more likely to be lasting. He thanked the Special Committee for its work on the resolution adopted in 2000. It correctly defined the nature of their current discussions with the United States. It accurately reflected an end to discussions on a "commonwealth" and the directives under Guam law for a decolonization vote. Those were important clarifications and they appreciated the fact that those changes were endorsed by the General Assembly.

B. Position of the administering Power

83. In a statement made at the 73rd plenary meeting of the General Assembly on 11 December 2002 (see A/57/PV.73), a representative of the United States said that the United States could not support the draft resolution on the implementation of the Declaration on the Granting of Independence to Colonial Countries and Peoples. By adopting a narrow definition of decolonization, the draft resolution failed to take into account the complex reality of Non-Self-Governing Territories. For the United States, the very term "non-self-governing" seemed inappropriate for those who were able to establish their own constitution, elect their own public officers, have representation in Washington and choose their own economic path. He noted that one of the Territories under United States administration had just held elections in November 2002. Moreover, he said, the United States disagreed with the contention in the draft resolution that the mere presence of military activities and bases in the Non-Self-Governing Territories was harmful to the rights and interests of the peoples of those Territories. The United States did not support the notion that administering Powers did not have the right to take actions in accordance with their national security interests.

84. The United States was fully supportive when countries chose independence and was proud to welcome them as equal and sovereign partners. For Territories that did not choose independence, however, the United States also supported the right of people in those Territories to a full measure of self-government, including the rights to integration and free association. The world encompassed a variety of peoples, places and political circumstances, and that richness did not allow for just one path. The United States

believed that a single standard of decolonization should not be applied to every Territory, and it called upon all Member States to respect the choices made by residents of Non-Self-Governing Territories.

C. Consideration by the United Nations

85. On 11 December 2002, the General Assembly adopted without a vote resolutions 57/138 A and B. Section VI of resolution 57/138 B, a consolidated resolution on 11 Non-Self-Governing Territories, is devoted specifically to Guam.

Notes

[1] The information contained in the present working paper was derived from published sources, including Internet sites.

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[4] http://www.guamsupremecourt.com

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[8] BBC Monitoring Asia Pacific, 27 March 2002.

[9] BBC Monitoring Asia Pacific, 20 March 2002.

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[12] BBC Monitoring Asia Pacific, 13 January 2003.

[13] *Pacific Daily News*, Year in Review 2002, www.guampdn.com

[14] *Encarta Online Deluxe* (www.encarta.com.au), "Guam".

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[20] www.admin.gov.gu/commerce

[21] Ibid., "Construction Sector".

[22] *Pacific Daily News*, Year in Review 2002, "Military", www.guampdn.com

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[25] *The New York Times*, 23 March 2003, "Guam Takes Steps to Reverse Setbacks".

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[31] News release, Congressman Underwood, 15 September 2001.

[32] *Pacific Daily News*, 2 January 2002.

[33] Bank of Hawaii, Economic Report on Guam, August 2001.

[34] BBC Monitoring Asia Pacific, 17 June 2002.

[35] BBC Monitoring Asia Pacific, 18 December 2002.

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[37] BBC Monitoring Asia Pacific, 16 December 2002.

[38] *Pacific Daily News*, 10 December 2001.

[39] *Pacific Daily News*, Year in Review 2002, "Water Contamination, Pressure Woes", www.guampdn.com

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[47] *Pacific Daily News*, 30 January 2002.

[48] www.doe.edu.gu

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[53] United States Department of Health and Human Services, Centers for Disease Control and Prevention, *HIV/AIDS Surveillance Report*, vol. 13, No. 2, December 2001 (www.cdc.gov/hiv/stats/hasr1302.pdf).

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[55] News release, Congressman Underwood, 12 October 2001.

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[57] *Report of the World Summit on Sustainable Development, Johannesburg, South Africa, 26 August-4 September 2002* (United Nations publication, Sales No. E.03.II.A.1 and corrigendum).

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Pitcairn

Working paper prepared by the Secretariat

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I. Background information

1. Pitcairn is a Non-Self-Governing Territory administered by the United Kingdom of Great Britain and Northern Ireland.[1] The Territory is located midway between Australia and South America at 25°S and 130°W. It comprises four islands in the western Pacific Ocean: Pitcairn (named after Robert Pitcairn, a midshipman who sighted it in 1767), the only one inhabited, Henderson, Ducie and Oeno. Although there is evidence of previous settlements by Polynesian peoples, Pitcairn was uninhabited when castaways from HMS *Bounty* (9 mutineers and 19 Polynesians) arrived there in 1790. Today Pitcairn is inhabited by their descendants. The population of Pitcairn has been declining steadily since 1937, when it was approximately 200. According to the administering Power, at 1 January 2002 the total population of the Territory was 45. It is usual for the young people to leave the Territory at the age of 15 (usually in their third year of secondary schooling) to attend secondary school in New Zealand. The continuous outward flow of young people has been a concern to the Islanders for many years. The population currently consists mainly of middle-aged and elderly people. All the population live in Adamstown, the only settlement in Pitcairn.

2. The terrain in Pitcairn is of rugged volcanic formation with a rocky coastline with cliffs lining nearly the entire perimeter of the island, nowhere giving easy access from the sea. Although canoes can be launched in many places, Bounty Bay and the Tedside landing are the only two places on the island that offer a reasonably safe landing. Ships visiting the island remain some distance away from the shoreline. Pitcairn enjoys a subtropical climate. Mean monthly temperatures vary from around 19°C in August to 24°C in February.

3. The official language is English and the Pitcairn Islanders also have their own local dialect, a mixture of eighteenth century English and Tahitian.

II. Constitutional structure and legal system

4. The Pitcairn Order 1970 and the Pitcairn Royal Instructions 1970 are in effect the Constitution of Pitcairn. These instruments established the office of Governor and regulate his powers and duties. The Governor is appointed by the Queen, acting on the advice of the United Kingdom Secretary of State for Foreign and Commonwealth Affairs, to whom he is accountable. In practice, the United Kingdom High Commissioner to New Zealand is appointed concurrently as Governor of Pitcairn, and the responsibility for the administration of the island is accordingly vested in him and is discharged by him and officers subordinate to him. The current Governor of Pitcairn is Richard Fell.

5. Under the 1970 Order, the Governor has legislative authority for Pitcairn and is empowered to formulate laws on any subject. Laws enacted by the Governor are styled ordinances. Formally, all ordinances are subject to disallowance by the Queen, on the advice of the Secretary of State. The Government of the United Kingdom retains the power to legislate directly for Pitcairn by an Act of Parliament or an order in council. It is under his legislative power that the Governor establishes courts for Pitcairn and regulates their jurisdiction and procedures. The 1970 Order also vests in the Governor the power to appoint persons to offices in the public service and to remove or discipline them. According to the information provided by

the administering Power, in response to requests from the island for closer integration with the Governor's Office, a Governor's Representative will be permanently stationed on the island from early 2003. The Governor's Representative will provide a direct line of communication to and from the Governor's Office and will allow direct explanation of draft ordinances, requests for information and other correspondence.

6. Pitcairn Islanders manage their internal affairs through the Island Council. The Council was established by the Local Government Ordinance, which confers on it the duty to provide for the enforcement of the laws of Pitcairn and empowers it to make regulations for the good administration of Pitcairn, the maintenance of peace, order and public safety and the social and economic advancement of the Islanders.

7. The Council is required to meet at least once a month. It consists of 10 members: the Island Mayor, elected every three years; the Chairman of the Internal Committee, who is elected annually; 4 other elected members, who are also elected annually; the Island Secretary, who is a public officer and serves on the Council ex officio; 1 nominated member, who is appointed annually by the Governor; and 2 advisory (non-voting) members, 1 of whom is appointed annually by the other members of the Council.

8. In December 1999, Pitcairn elected its first ever Mayor, thus ending the century-old practice of naming a magistrate to head the local government.

9. The Island Council's decisions are implemented by the Internal Committee, whose formal functions are to carry out the orders of the Council and to perform such duties as the Council may direct. In practice, the principal function of the Committee is to organize and implement the public works programme, for which all adult and able-bodied Pitcairn Islanders are responsible. The Committee comprises the Chairman and such other persons (not being members of the Council or public officers) as the Council, with the Governor's approval, may appoint.

10. The Island Secretary and other non-elected officials (e.g., the postmaster, the radio officer and the police officer) are appointed by the Governor, invariably after consultation with the Council.

11. The qualifications required for voting are three years' residence in the Territory and being 18 years of age. Candidates for the posts of Mayor and Councillors must be at least 21 years of age and have resided on the island for five years. The electoral roll is prepared by the Island Secretary in November of each year. Elections are held annually some time during the first two weeks in December.

12. Regarding the legal system of Pitcairn The Magistrate's Court is constituted by a magistrate sitting with or without assessors. An Island Magistrate is appointed from among the residents of Pitcairn. Other magistrates, legally qualified in a Commonwealth country, are appointed to preside over the Court in matters involving questions of law. The jurisdiction of the Court is limited to offences triable only summarily, committal proceedings and certain inquiries together with civil litigation up to the prescribed level of value. There is a right of appeal from the Court to the Supreme Court of Pitcairn, which is a superior Court of record and has jurisdiction in criminal and civil causes outside the competence of the Magistrate's Court. The Supreme Court is constituted by a judge, the Chief Justice or one of several puisne judges, with or without assessors. Further rights of appeal lie to the Pitcairn Court of Appeal, which comprises three judges, and to the Privy Council.

13. Pitcairn's Constitution, as embodied in the Pitcairn Order 1970 and the Pitcairn Royal Instructions 1970, does not contain any provisions expressly guaranteeing human rights.

14. According to the administering Power, the Magistrate's Court and the Supreme Court both have inherent jurisdictions governing human rights in particular areas arising out of the laws in force in the Islands. The Governor has the ultimate responsibility for overseeing the implementation of human rights in Pitcairn. Any complaint of unlawful or oppressive action by any government official or authority can be raised with him, either directly or through one of his subordinate officers, and will be investigated thoroughly. If the complaint proves to be well founded, he has the power to take appropriate remedial measures.

15. The laws in force in Pitcairn, including those relating specifically to human rights, are published by the Government of the United Kingdom and are accessible to all on the island through the Island Secretary's office.

16. The Human Rights Act of the United Kingdom is taken to be a statute of general application which is also in force in Pitcairn. The enactment of local ordinance on the lines of a model provision recommended by the Foreign and Commonwealth Office is presently under consideration.

III. Economy

17. The principal sources of income of Pitcairn's public economy are the sale of postage stamps and the recently created .pn Internet domain name along with revenue from interest and dividends. According to the administering Power, in 2001-2002 public expenditure was NZ$ 1,096,393 and income was NZ$ 691,504, leaving a deficit of NZ$ 404,889. The shortfall was met from the Pitcairn Investment Fund, which is managed for the Pitcairn Administration by the Crown Agents. The Investment Fund was set up in the early 1990s with funds generated from the high number of stamp sales. Sales have since declined and although the Investment Fund currently stands at about NZ$ 1 million, it will need careful management if it is to maintain that level.

18. In order to extend the life of the Fund, the Pitcairn Islanders have chosen a modified subsidy plan, which has doubled their electrical charges and imposed ocean freight charges on items that were once free of charge or heavily subsidized. The administering Power has indicated that in considering options for strengthening the Fund, it was decided to project a 10-year financial framework plan.

19. A new economic plan, put in operation at the beginning of 2000, provides help to Pitcairn's pensioners and families with children. The Territory's new economic plan was developed by Pitcairn Commissioner Leon Salt in concert with an economist and an official from the United Kingdom Department for International Development. If the plan accomplishes what is expected, the Pitcairn Investment Fund will remain solvent for 10 years. Although there is no taxation in the Territory, each person between 15 and 65 years of age is required to perform public work each month in lieu of taxation.

20. The private economy of Pitcairn depends on gardening and trading, manufacturing and the sale of carvings, basket work and other handicrafts, the export of dried fruit, honey and honey products. Bartering is an important part of the

economy, mainly with passing ships. The fertile soil of the valleys produces a wide variety of fruits and vegetables, including breadfruit, citrus, sugar cane, watermelons, bananas, yams and beans. Fish is the main source of protein in the Islanders' diet. Pitcairn exports fruits, vegetables and handicrafts and imports fuel oil, machinery, building materials, cereals, milk, flour and other foodstuffs. The Territory also exports honey, which is reported to have been found by the New Zealand Ministry of Agriculture and Forestry to be an exceptionally pure product. The isolation of Pitcairn is said to work to the advantage of beekeepers; the bees already bought in 1978 and 1992 are certified pure and disease-free. Strict laws on the island prohibit bringing in any outside honey or used beekeeping supply. The honey business is a labour-intensive operation, as honey is placed manually into 250-gram bottles for export. It is estimated that about 3,000 bottles a year can be produced. In the past four years Pitcairn has begun to develop a dehydrated fruit industry; it exports dried bananas, mango and pineapple and is said to be preparing to export jams, dried fish and coffee. Pitcairn's food export business is expected to add substantially to the Territory's economy. Pitcairn's products are sold in New Zealand and the United States of America and a Pitcairn Island Producers' Cooperative has been established to handle marketing.

21. The island of Henderson, which is difficult to access, is the largest of the group and the most productive of the three satellite islands. Miro wood, which the Islanders use to produce their carvings, is collected from the island. The Pitcairners usually make a journey in longboats once a year, staying a few days to collect enough wood to last another year and to undertake layering of young miro branches in an effort to ensure a sustainable crop for years to come. The journey may take about 14 hours each way, depending on weather conditions. The Islanders also make the voyage to Oeno, known as their "holiday island", once a year for a week of fishing, gathering coconuts and shells. Traditionally, the fish caught in these expeditions is shared equally among the families in the Territory.

22. A number of Pitcairn items are available directly from Pitcairn Islanders on the island through the Internet. Two web sites sell Pitcairn products,[2] including, wood carvings, woven baskets, jewellery, honey, dried fruit, painted leaves and other items. When paying for orders by cheque, customers are advised to leave the cheque undated because of the long time it takes to process a cheque. Customers must allow up to six months or more for delivery.

23. Internet users worldwide can acquire a .pn suffix that is now permanently awarded to Pitcairn. The fees for the acquisition of a .pn domain are US$ 200 for the first registration that covers two years and US$ 100 for the annual renewal. Information for Internet users wishing to acquire the .pn domain is available through the official web site of the Government of Pitcairn.[3]

24. According to sources at the Pitcairn Study Centre, Pitcairn is now connected to the Internet. The funds to pay for such installation came from the sale of Pitcairn's .pn domain and a grant from the United Kingdom Government. The Internet is expected to allow Pitcairn Islanders to engage in e-commerce, including sale of carved and woven artefacts and honey.

25. The increase in the electrical rate may have a negative impact on a budding industry in locally produced dehydrated fruits and honey. Some Pitcairn Islanders have ordered propane heaters, but the cost of shipping supplies is also high. The fruit-drying industry is exploring the possibility of using solar fruit dryers.

26. Land was traditionally held under a system of family ownership, based on the original division of the island by the mutineers and subsequently modified following the return of some Pitcairn Islanders from Norfolk Island in 1859. Land legislation enacted in 1967 provided for the formal administration of the estates of deceased landowners. While it also sought to rationalize the customary land tenure system, it was largely ineffective in this respect and by the late 1970s, owing mainly to emigration, most of Pitcairn was owned by Pitcairn Islanders who no longer lived on the island. Legislation adopted in the early 1980s is reported to aim at ensuring that every Pitcairn Islander is entitled to an allocation of house, garden, orchard and forestry land "sufficient to meet their needs", for as long as they live on Pitcairn. An annual land tax payable on all land held by a non-resident in the Territory, or on land held by a resident "in excess of his or her reasonable needs", is aimed at ensuring that sufficient land is available for reallocation through the Land Court, upon application. Only Pitcairn Islanders by birth or naturalization, their children or grandchildren (having reached the age of 18 years), are eligible to apply for an allocation. They must be resident at the time of application and must fully intend to remain so.

27. A cooperative store, established in 1967, is open three times a week for a short period. Basic food commodities are obtainable when supplies are available. Flour, eggs, meat and butter are provided if ordered several months in advance as they must be imported from New Zealand.

28. Diesel-driven generators provide 240-volt electric power for approximately four hours each evening and for two hours each morning. A simple telephone system operates in the Territory. Overseas communications are maintained through surface mail and, since 1992, via satellite (telephone, fax, telex). Pitcairn recently released a trial set of telephone fax cards for the new satellite communications. However, to a great extent, ham radio communications have been the mainstay of Pitcairn's contact with the outside world. Radio telephone service is available on a pre-scheduled basis, six evenings a week, from outside locations with American Telephone and Telegraph (AT&T) service. The Pitcairn Radio Station is operational between the hours of 1800 and 0530 GMT. While live television has not yet reached the island, videotapes are very popular.

29. Visitors to Pitcairn must first obtain from the Office of the Commissioner for Pitcairn Island in New Zealand a licence to land and reside there. Licences are valid for six months and may be renewed for further similar periods by the Governor. The Island Mayor, subject to the direction of the Governor, is empowered to permit ashore crew members and passengers of any visiting vessel.

30. Access to Pitcairn is possible only by sea and usually by container vessels plying between New Zealand and the United Kingdom or the eastern seaboard of the United States or the Caribbean, via the Panama Canal. In 2002, the Government of Pitcairn provided a list of 11 cruise ships scheduled to call at Pitcairn during 2003. According to press reports,[4] at the beginning of 2003 the Blue Star shipping line announced that its vessels would no longer call at Pitcairn. It was estimated that of the 35 ships calling at Pitcairn a year, 20 were Blue Star containerships. The Territory published stamps to mark the end of service. At the beginning of 2003, a group of Pitcairners rescued a New Zealand scientist who suffered an accident in the middle of the ocean. The team travelled in a longboat for 12 hours across 170 km of high seas to complete the rescue.

31. There are no hotels or guest houses on Pitcairn, but accommodation for visitors may be arranged with one of the Territory's families on prior application to the Island Mayor. According to press reports,[5] during 2002 negotiations for a tourist development in Pitcairn Islands continued (see also A/AC.109/2002/2, para. 36). The project would involve a lodge on Pitcairn, with a floating hotel to be anchored in the lagoon of uninhabited Oeno Island. Eventually the company would develop a five-star hotel on Oeno.

32. Until 1964, there were no vehicles on the island. Transportation was on foot. All roads are unpaved. All-terrain vehicles, three or four wheeled, provide a frequently used mode of transport. According to reports, there are plans for the all-weather surfacing of the island's main road. Plans call for the laying of concrete from the island landing at Bounty Bay, up what the Pitcairners call their "Hill of Difficulty", with grades ranging between 30 and 35 per cent, to Adamstown. The present road is prone to washouts by the frequent storms that sweep over the island and must be repaired constantly.

33. According to the information provided by the administering Power, the British Government has recently completed a programme of construction on the island. New buildings include a six-bedroom house, warehouse and police station. The Government lodge and the hostel have been renovated.

IV. Social and educational conditions

34. The population of the Territory is self-employed, but allowances and wages are paid to members of the community who participate in local government activities and who perform communal services. Public work, which by law is required of all men and women between 16 and 65 years of age, is partly a relic of the society created by the mutineers and partly a necessity born of the basically tax-free economy. Reportedly, the most essential of the public duties that are still recognized as being traditional are concerned with Bounty Bay and the maintenance of the public boats. Installations in the Bay are provided mainly from general revenue and grants from the United Kingdom. Information available indicates that in 1998 there were eight working men. This situation has been viewed with concern by the Islanders since it takes four men to handle the longboats that go out to meet passenger ships. According to an information sheet provided by the Office of the Commissioner for Pitcairn Island in New Zealand, the only jobs in the Territory are government posts normally reserved for permanent residents of Pitcairn. There are no banking facilities, but undated personal cheques and traveller's cheques may be cashed at the Island Secretary's office.

35. Education is free and compulsory for all children between 5 and 15 years of age. The school is operated and financed by the Government. Instruction is in the English language and is based on the New Zealand standard curriculum. A trained teacher is recruited in New Zealand, normally for a two-year term. According to *press reports*,[6] *a school teacher couple arrived in Pitcairn at the beginning of 2003.* Since the shipping company that traditionally served Pitcairn interrupted service, the couple had to reach the territory aboard a French Navy boat. In 1999, school enrolment was reported to be 10 students. Post-primary education is conducted at the school by correspondence courses arranged through the New Zealand Department of Education. Overseas secondary education is encouraged by the grant

of bursaries and a number of students have received secondary education in New Zealand at the expense of the Government of Pitcairn. The Education Officer is appointed by the Governor from suitable qualified applicants who are New Zealand-registered teachers. The Education Officer, who is also the government adviser and editor of the *Pitcairn Miscellany*, the only newspaper in the Territory, is contracted for two-year terms. Most Pitcairn Islanders are members of the Seventh-Day Adventist Church, which was established in the Territory over a century ago and is the only church on the island. The Church is run by the church board and the resident pastor, who usually serves a two-year term.

36. The Pitcairn Island Health Centre, completed in 1997, was funded by the British Government Overseas Development Administration. It has an examination room, a dental clinic, an X-ray room and a two-bed ward for overnight patients. The general health of the community is entrusted to a resident nurse, an assistant nurse and a local dental officer, who also doubles as an X-ray technician. Traditionally, the resident nurse is the wife of the pastor. Registered medical practitioners are employed from time to time for periods of between two and six months. The population also benefits from the services of visiting doctors travelling on ships that stop at the island. There is no doctor permanently stationed on Pitcairn.

37. The Pitcairn Island museum displays a number of artefacts and items, some of which have been donated and loaned by people from all over the world. Artefacts such as stone tools, which were made by Polynesians prior to the arrival of the mutineers, are on display. Other artefacts include Bounty relics salvaged from the wreck.

38. As reported (A/AC.109/2002/2, para. 41), in recent years a criminal investigation of alleged sexual misconduct in the island has been under way. During the period under review, different aspects of the case, including the venue and procedures of a possible trial, continued to be discussed. To guarantee the right of defence of the people under investigation, in March 2002 the Governor appointed a Public Defender for the islanders involved. In view of logistical difficulties, the Government of the United Kingdom asked the Government of New Zealand to consider allowing trials of Pitcairn men to take place under Pitcairn law in New Zealand. In December 2002, the Parliament of New Zealand passed legislation enabling this to take place.

39. The Pitcairn Public Prosecutor and Public Defender visited the island in November 2001 and August 2002 respectively. The Public Prosecutor, the Public Defender, police officers and judiciary returned to the island in April 2003 in order to lay charges. During his visit, the Public Prosecutor of Pitcairn confirmed that he had charged 9 men (7 resident on Pitcairn, 2 elsewhere) with a total of 64 sexually related offences. He has also confirmed that he intends to lay further charges against a number of alleged offenders resident in New Zealand. According to press reports, the alleged offences happened between 5 and 40 years ago. Following the charge procedure, defendants were remanded to appear at a further hearing on 24 May. The names of those charged and of the complaints are the subject of a suppression order. Trials will not begin immediately. There is likely to be a period of some months to allow for further legal preparation and for the expected legal challenges to be dealt with.

V. Future status of the Territory

40. In its report to the General Assembly at its fifty-fifth session (A/55/23 (Part I), para. 87),[7] the Special Committee on the Situation with regard to the Implementation of the Declaration on the Granting of Independence to Colonial Countries and Peoples stated that during 2000, the Special Committee and the administering Powers had agreed, on an informal basis, on a non-paper outlining a general work programme that would serve as a reference in the preparation of individual work programmes for specific Territories. The Special Committee and the administering Powers also agreed to prepare work programmes for American Samoa and Pitcairn. It was further agreed that the administering Powers would ensure the participation of representatives of those Non-Self-Governing Territories at every stage of the discussions.

41. The Pacific regional seminar on decolonization, held at Nadi, Fiji from 14 to 16 May 2002,[8] took note of the initiation of discussions between the Special Committee and the administering Powers of American Samoa and Pitcairn with a view to developing work programmes for the Territories with the participation and agreement of the representatives of the peoples of those Territories.

42. The Mayor of Pitcairn participated as an expert to the Pacific regional seminar. With regard to Pitcairn, the experts noted that the lack of information from the administering Power and from the United Nations regarding the options available for the inhabitants of that unique Territory was a serious impediment to the exercise of their right to self-determination and development. It was also noted that, despite the current serious economic and other infrastructure problems, the Territory had potential for the development and rehabilitation of a viable community on Pitcairn.

A. Position of the administering Power

43. On 1 October 2002, the representative of the United Kingdom made a statement before the Special Political and Decolonization Committee (Fourth Committee) (see A/C.4/57/SR.3) in which she said that her Government, as an administering Power, was pleased to report that further progress had been made towards modernization and development of the relationship between the United Kingdom and its Overseas Territories. The fourth annual meeting of the Overseas Territories Consultative Council had been held in London in September 2002, providing a forum for structured political dialogue between democratically elected chief ministers of the Overseas Territories and ministers of her Government with regard to the relationship, based on partnership, between the United Kingdom and its Territories. It also enabled those present to consult on matters such as the process of constitutional review, human rights and environmental issues arising from the United Kingdom's international commitments.

44. The partnership between the United Kingdom and its Overseas Territories continued to evolve: on 26 February 2002, the British Overseas Territories Act had become law, with effect from 21 May 2002, granting citizens of the Territories British citizenship, with right of abode in the United Kingdom and freedom of movement in Europe; it formally changed the nomenclature from "dependent" to "Overseas" Territories in order to more accurately reflect the nature of the relationship. Furthermore, constitutional review was under way in almost all the

Territories, for the first time with the participation of locally appointed review commissions, with a view to providing each Territory with a modern constitution suitable for its long-term development which reflected its specific circumstances. Some reviews were almost complete, others were well under way, and Ascension Island, for example, would have elected an island council by the end of 2002.

45. The United Kingdom representative added that work was under way to implement the Guiding Principles of the Environment Charter for the Overseas Territories, adopted in September 2001. Pilot projects had been approved for two Territories and would be carefully monitored for suitability elsewhere. Multilateral environmental agreements would be extended to the Territories and national legislation would be strengthened. Projects had been implemented to address key areas such as habitat restoration, surveys of living resources, tackling of invasive species and capacity-building for civil society institutions. Her Government would also assist the Territories to access regional and bilateral European Commission trade, economic and development assistance within the framework of the November 2001 Overseas Association Decision.

46. The wishes of the peoples of the Territories, exercised in accordance with the Charter of the United Nations and other international treaties, were of paramount importance for the United Kingdom. The relationship between her Government and its Territories was based on fundamental principles such as self-determination, mutual obligations, freedom for the Territories to run their affairs to the greatest degree possible and the firm commitment from her Government to help the Territories economically and during emergencies.

47. The representative of the United Kingdom said that there was a basic commonality of approach between her Government and the Fourth Committee and she therefore regretted that relevant resolutions, in particular those of the Special Committee on decolonization, did not always properly reflect that commonality. The annual omnibus resolution recalled that there was no alternative to the principle of self-determination and it was unfortunate that the Special Committee continued to apply that principle selectively. Her Government fully intended to continue to work with the Special Committee, as had been demonstrated by the presence of a representative of her Government at the regional seminar of the Special Committee held in Fiji in 2002.

B. Consideration by the General Assembly

48. On 11 December 2002, the General Assembly adopted without a vote resolutions 57/138 A and B. Section VIII of resolution 57/138 B is specifically devoted to Pitcairn. By the terms of the resolution, the General Assembly,

> "*Taking into account* the unique nature of Pitcairn in terms of population and area,
>
> "*Welcoming* the participation of an expert from Pitcairn for the first time in the Pacific regional seminar, held at Nadi, Fiji, from 14 to 16 May 2002,
>
> "1. *Requests* the administering Power, bearing in mind the views of the people of the Territory ascertained through a democratic process, to keep the Secretary-General informed of the wishes and aspirations of the people regarding their future political status;

"2. *Also requests* the administering Power to continue its assistance for the improvement of the economic, social, educational and other conditions of the population of the Territory;

"3. *Calls upon* the administering Power to continue its discussions with the representatives of Pitcairn on how best to support their economic security."

Notes

[1] The information contained in the present paper has been derived from information transmitted to the Secretary-General by the Government of the United Kingdom of Great Britain and Northern Ireland, under Article 73 *e* of the Charter of the United Nations, and from published sources.

[2] http://library.puc.edu/pitcairn/pititems2.html; http://www.lareau.org/pitcmall.html

[3] http://www.government.pn/homepage.htm

[4] *New Zealand Herald*, 18 January 2003.

[5] BBC Monitoring Asia Pacific, 30 May 2002.

[6] http://library.puc.edu/pitcairn/news

[7] For the printed text, see *Official Records of the General Assembly, Fifty-fifth Session, Supplement No. 23* (A/55/23), para. 87.

[8] See *Official Records of the General Assembly, Fifty-seventh Session, Supplement No. 23* (A/57/23), chap. II, annex, para. 46, "Conclusions and recommendations", para. 21.

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Special Committee on the Situation with regard to the Implementation of the Declaration on the Granting of Independence to Colonial Countries and Peoples

Falkland Islands (Malvinas)

Working paper prepared by the Secretariat

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I. General

1. The Falkland Islands (Malvinas)[1] is a Non-Self-Governing Territory administered by the United Kingdom of Great Britain and Northern Ireland. The Territory comprises two large islands, known as East and West Falkland, as well as some 200 smaller islands, and has a total area of about 12,173 square kilometres (4,700 square miles). The Territory is situated in the South Atlantic, about 770 kilometres north-east of Cape Horn and about 480 kilometres east of the South American mainland. South Georgia, located about 1,300 kilometres south-east of the Falkland Islands (Malvinas) group, and the South Sandwich Islands, located about 750 kilometres east-south-east of South Georgia, are considered a separate Territory and are administered from the Falkland Islands (Malvinas); the Governor of the Falkland Islands (Malvinas) acts concurrently as Commissioner for South Georgia and the South Sandwich Islands. According to the results of a census conducted in April 2001, the population of the Territory is 2,391 (not including an estimated 112 residents temporarily absent and 534 military personnel), up from 2,221 in 1996.

II. Constitutional and political developments

A. Constitution and Government

2. Detailed information on the Constitution and Government of the Falkland Islands (Malvinas) is contained in the 2001 working paper prepared by the Secretariat (A/AC.109/2001/11).

3. On 22 November 2001 general elections were held for eight members of the Legislative Council, five from the Stanley constituency and three from Camp (the countryside outside of Stanley), for a four-year term. On the same day, in a non-binding referendum, the islanders voted against changing the two-constituency system under which the Councillors were elected to a single constituency system. A new Governor, Howard Pearce, took over from the outgoing Governor, Donald Lamont, in December 2002.[2]

B. Political developments in 2002

4. Details of political developments from January to April 2002 are to be found in the 2002 working paper prepared by the Secretariat (A/AC.109/2002/16, paras. 4-14).

5. On 16 May 2002, the Governments of Argentina and the United Kingdom issued a joint press release on the occasion of the exchange of letters regarding visits of Argentine nationals to South Georgia and South Sandwich Islands which, inter alia, stated the following:

> "The visits by Argentine nationals to these islands will take place under the formula on sovereignty in paragraph 2 of the Joint Statement issued at Madrid on 19 October 1989 which protects the respective positions of the United Kingdom and Argentina concerning sovereignty over the Falkland Islands (Malvinas), South Georgia and the South Sandwich Islands and

surrounding maritime areas. The formula applies to these visits as well as to all acts necessary for the visits to take place."

6. On 10 June 2002, the Government of Argentina issued the following press communiqué:

"On 10 June, the Day of Affirmation of Argentine Rights to the Malvinas Islands and the Antarctic Sector, the Argentine nation commemorates the establishment of the Political and Military Command of the Malvinas Islands and Islands Adjacent to Cape Horn in the Atlantic Ocean in accordance with the decree of the Interim Governor of Buenos Aires Province, Brigadier General Martín Rodríguez, in 1829.

"Since the start of its existence as an independent nation, the Argentine Republic has demonstrated, through actions of the Government, the firm political determination to exercise effective sovereignty over the southern territories and maritime areas inherited from Spain.

"That effective exercise of sovereignty was interrupted on 3 January 1833 when British forces occupied the Malvinas Islands, expelling the Argentine inhabitants and authorities established there. Since then, Argentine citizens have been prevented from freely settling or owning land in those territories.

"The people and Government of Argentina never consented to that act of force, and today, as in the past, they reaffirm their constant and unwavering determination to regain the exercise of sovereignty over the Malvinas, South Georgia and South Sandwich Islands and the surrounding maritime areas through the peaceful means of diplomatic negotiations in accordance with the many appeals made by the international community.

"Argentina's claim has traditionally been supported by the countries of our region and by major international organizations, including the General Assembly of the United Nations and the General Assembly of the Organization of American States. These forums have repeatedly called upon the Governments of the Argentine Republic and the United Kingdom to resume negotiations in order to resolve the sovereignty dispute definitively and in a peaceful manner.

"On this important occasion, the Argentine Government reaffirms its constant readiness to engage in dialogue with the United Kingdom in order to resume negotiations with a view to finding, as soon as possible, a just and definitive solution to the unresolved sovereignty dispute."

7. By a letter dated 8 October 2002 addressed to the Secretary-General, the Permanent Representative of Argentina referred to the White Paper on "Partnership for Progress and Prosperity: Britain and the Overseas Territories" annexed to document A/AC.109/1999/1 and Corr.1. In that letter the Permanent Representative reiterated his Government's "rejection of this 'White Paper' insofar as it refers to the Malvinas, South Georgia and South Sandwich Islands" (see A/57/461). Likewise, on 11 December 2002, the Argentine delegation explained its position with regard to resolution 57/138 reiterating its rejection of the "White Paper" and recalling that "in the special and particular colonial situation in the 'Question of the Malvinas Islands', the principle of territorial integrity is to be applied so as to

prevent any attempt aimed at disrupting the national unity and territorial integrity of the Argentine Republic".

8. On 4 and 5 November 2002, the Minister for Foreign Affairs, International Trade and Worship of Argentina, Carlos F. Ruckauf, paid an official visit to the United Kingdom. On that occasion he referred to the question of the Falkland Islands (Malvinas) stating that "regardless of who might be in the Government in Argentina, the country will continue with its claim of sovereignty over the islands through diplomatic means".

9. During the period under review, and in the framework of the COSPAS-SARSAT satellite system for assistance in maritime and aerial search and rescue, Argentina, the United Kingdom and Chile reached an agreement on the transfer from Chile to Argentina of the informative responsibility in the South West Atlantic, including the Falkland Islands (Malvinas), as from 1 December 2002. On that date, the Argentine segment of the said system entered into full operational capacity.

10. In a New Year's message broadcast to the Islands on BBC on 20 December 2002, the Prime Minister of the United Kingdom, Tony Blair, declared:

> "...
>
> "This year in particular has provided an opportunity for remembrance of all who lost their lives in the [Falklands] conflict. The commemoration events have touched many on the Islands and beyond, culminating in the Duke of York's recent visit and his personal gesture of reconciliation in laying wreaths at both the British and Argentine cemeteries. The ground was, of course, prepared beforehand in a profound gesture of reconciliation by your Government earlier in the year in their approval of plans for a memorial to the Argentine war dead at Darwin.
>
> "Events such as these, and the personal pilgrimage by members of the South Atlantic Medal Association in November, have also highlighted the close bonds between those who fought in the conflict and those who endured it.
>
> "The Falkland Islands have a bright future. This year the international community has seen that the Falklands is a prosperous, vibrant and self-confident community. Your new Governor has spoken of an entrepreneurial spirit in the Islands — of new opportunities, and of young people eager to return after completing their education in the United Kingdom. You recognize the importance of economic diversification.
>
> "The Islands Plan provides an admirable strategy for the continued development of a sustainable economy, protection of the environment, and improvements to your quality of life. You have achieved so much in recent years and I am sure that your prudent management of affairs will continue to provide a secure platform for future generations.
>
> "The United Kingdom's relations with Argentina are good and we continue to work to improve them. I therefore hope that practical cooperation and mutual understanding between the Falklands and Argentina can be further developed where this is in the interests of the Islands and in accordance with the wishes of the people.

"But I recognize that the partnership between the Falkland Islands and the United Kingdom is vital to your continued prosperity and security and that your confidence in dealing with your neighbours will be enhanced in the secure knowledge of the guarantees I have given of my Government's commitment to your self-determination and sovereignty. ..."

11. By a letter dated 19 December 2002, addressed to the Secretary-General, the Permanent Representative of the United Kingdom referred to the letter from the Permanent Representative of Argentina (A/57/461) regarding the "White Paper" (see para. 7 above). In its response (see A/57/700) the United Kingdom stated that it had "no doubt about its sovereignty over the Falkland Islands, South Georgia and the South Sandwich Islands and the surrounding maritime areas. The nomenclature applied to Overseas Territories ... does not alter the status of those territories".

12. By a letter dated 3 January 2003, addressed to the Secretary-General, the Permanent Representative of Argentina transmitted a press release issued that day by his Government on the occasion of "the latest anniversary of the illegal occupation of the Malvinas Islands by the United Kingdom of Great Britain and Northern Ireland" (see A/57/704 and annex).

13. By a letter dated 3 January 2003, addressed to the Secretary-General, the Permanent Representative of the United Kingdom responded to the letter from the Permanent Representative of Argentina referred to in paragraph 12 above. In its response, the United Kingdom rejected "as unfounded the claim by the Government of Argentina to sovereignty over those islands and the surrounding maritime areas and that the Falkland Islands are under illegal occupation by the United Kingdom" (see A/57/708).

III. Mine clearance

14. On 11 October 2001, in accordance with the commitments made by the Governments of Argentina and the United Kingdom in the Action Agenda of 28 October 1998 and the joint statement of 14 July 1999 regarding their cooperation on mine clearance in the Falkland Islands (Malvinas), the two Governments exchanged notes regarding the carrying out of a feasibility study on demining in the Islands, under the formula on sovereignty and within the framework of the Ottawa Convention of 1997 on anti-personnel mines. Accordingly, on 3 and 4 December 2001, the Joint Working Group held its first meeting in Buenos Aires on the conduct of the aforementioned feasibility study. At the meeting the general objectives of the studies were discussed as well as their technical, organizational and financial aspects. Some practical measures and tasks were agreed that would be carried out with a view to advancing the preparation of the study.

15. According to the United Kingdom Government, there are 101 mine fields in the Islands, covering a total area of 20 square kilometres and containing 16,600 mines. In October 2002, the local media reported that island authorities were in the early stages of negotiating an understanding with the military regarding civilian maintenance of mine field fences.[3]

IV. Economic conditions

A. General

16. According to the administering Power, the pace of economic development has accelerated dramatically since 1982. In 1984, the Falkland Islands Development Corporation was formed to encourage the development of a private sector. This rapid growth resulted initially from the influx of British Government aid, but subsequently from the development of fisheries. The size of the fisheries' revenues and their subsequent investment have enabled improvements to be made in the infrastructure and the promotion of tourism and other enterprises, which will help to diversify the economy. The basic challenge is to increase economic security through diversification, including further development of tourism and diversification of agricultural production.

B. Public finance

17. The Territory's financial year runs from 1 July to 30 June. In 2001/2002, the revised estimate for total revenue was £43 million, of which more than half (£22.8 million) came from fisheries. Other sources of revenue were taxation (£5.3 million), investment income (£4.5 million) and those derived from public works (£4.2 million). During the same period, the revised estimate for total expenditure was £51.8 million. Government assets in 2002 stood at £163 million, of which £74 million was in special reserve funds for insurance and pension purposes.

18. The territorial Government has continued to work for improved long-term planning and budget processes in order to strengthen financial management and control systems through computerization. The recent introduction of resource accounting was expected to enable management to identify the cost of the capital employed and to keep account of the value of the public investment in equipment and infrastructure throughout its useful life. The objective is to move from a money-led to a needs-led budget.

C. Agriculture, land tenure and livestock

19. Detailed information on agriculture, land tenure and livestock is contained in the 2001 working paper prepared by the Secretariat (A/AC.109/2001/11). A new abattoir opened in July 2001 and received European Union certification on 12 December 2002. According to information provided by the administering Power, the completion of the abattoir is considered a major step towards agricultural diversification, allowing farmers to supplement poorly performing wool production with higher-earning exportable meat production. The Islands are close to having organic status over most of their land area. The territorial Government is encouraging farmers to move towards organic agriculture in order to specialize in the production of organic meat for export.

D. Fisheries

20. Loligo and Illex squid are the mainstay of the territorial fisheries and economy. In addition to the two squid species, a number of finfish are targeted, including blue whiting, hake and hoki. The Fisheries Department is responsible for administering the fishery. The South Atlantic Fisheries Commission, which was established by Argentina and the United Kingdom through the joint statement of 28 November 1990, has met regularly and worked without interruption since then for the conservation of fisheries resources in that area.

21. On 21 and 22 March 2002, the South Atlantic Fisheries Commission held its 21st meeting, in London. The Argentine delegation was led by Santos Goñi, head of the Malvinas and South Atlantic Department of the Ministry of Foreign Affairs, International Trade and Worship. The British delegation was led by Alan Huckle, the head of the Overseas Territories Department of the Foreign and Commonwealth Office. The joint press statement issued at the end of the meeting was reproduced in the previous working paper (A/AC.109/2002/16, para. 24).

22. On 25 and 26 July 2002, the South Atlantic Fisheries Commission held its 22nd meeting, in Buenos Aires. The British delegation was led by Alan Huckle, the head of the Overseas Territories Department of the Foreign and Commonwealth Office. The Argentine delegation was led by Santos Goñi, head of the Malvinas and South Atlantic Department of the Ministry of Foreign Affairs, International Trade and Worship. In a joint press statement issued at the end of the meeting, the Argentine and British delegations agreed that the formula on sovereignty over the Falkland Islands (Malvinas), South Georgia and the South Sandwich Islands and the surrounding maritime areas, contained in paragraph 2 of the joint statement issued in Madrid on 19 October 1989, applied to the meeting and its consequences. The South Atlantic Fisheries Commission welcomed the report of the Scientific Subcommittee on its 20th meeting, held in Mar del Plata between 22 and 24 July 2002. The Commission welcomed the continuing cooperation between the National Institute for Fisheries Research and Development (INIDEP) and the Imperial College. The Commission agreed to recommend the Subcommittee's proposals to both Governments. Both delegations reaffirmed the importance they attached to ensuring the sustainability of fish stocks and reiterated the commitment of their Governments to the conservation of the fish and squid stocks of the South-West Atlantic. They recommended that both Governments continue scientific research in order to achieve a greater understanding of the most significant offshore species in the area. Both delegations reaffirmed their support for the Early Warning System and agreed that the exchange of real-time data on fishing activities remained central to the operation of the system. The Commission agreed to recommend to both Governments that every effort be made to maintain a level of 40,000 metric tons of Illex spawning stock biomass at the end of the fishing season in order to ensure stock sustainability. Both delegations noted with satisfaction that the Early Warning System had worked successfully and that their respective Governments had advanced the closing of Illex fishery for the rest of the year in order to meet the conservation target. The Commission noted the ongoing research on southern blue whiting, and that the Scientific Subcommittee had reiterated its advice on the need to keep the catches of this species within the sustainable catch limit of 56,000 tons, as recommended by the Scientific Subcommittee. The Commission agreed that a joint survey on this species, using the vessels "Oca Balda" and "Dorada", designed and supervised by

the Scientific Subcommittee would take place in September and October of 2002 to assess the southern blue whiting biomass comprehensively. The two delegations referred to further issues related to fisheries cooperation and they concurred that the timely establishment of a multilateral agreement would provide the necessary long-term mechanism to ensure the sustainability of fish stocks in the high seas of the South-West Atlantic. Constructive views were exchanged and both delegations resolved to pursue this issue jointly. They referred to practical measures needed to prevent poaching, which undermines fish stock conservation in the South-West Atlantic, and they agreed to enhance coordinated efforts in this regard. The Argentine delegation reiterated the concern of the Argentine Government about the situation created by the British decisions with respect to the area described in the annex to the Joint Statement of 28 November 1990 and to the area west of it. It expressed the hope of the Argentine Government that the matter would be resolved. The British delegation reiterated its position. The two parties agreed to maintain contacts through diplomatic channels to set the place and date of the next meeting of the Commission, which would be preceded, as usual, by a meeting of its Scientific Subcommittee.

23. Further meetings of the Fisheries Commission due to take place in Argentina first in November 2002 and then in March 2003 were postponed due to a continuing labour dispute at INIDEP. During that time, matters related to the Commission were resolved via diplomatic channels and a diplomatic exchange was held in Buenos Aires on 2 April 2003. The next meeting of the Commission is now scheduled to take place in London from 30 June to 4 July 2003.

E. Tourism

24. There has been a significant expansion of the Falkland Islands (Malvinas) tourist industry in recent years. The United Kingdom is currently the principal market, but the Falkland Islands Tourist Board, a department of the Falkland Islands Development Corporation, has focused efforts on developing new contacts with tour operators in the United States and Europe. According to the administering Power, visitor numbers now exceed 35,000 per year. The tourism industry offers specialized holidays for those interested in wildlife and sea trout fishing. The Islands' main tourist lodges are found at Port Howard, San Carlos, Sea Lion Island and Pebble Island. There are two hotels in Stanley.

F. Transport, communications and other basic facilities

25. Detailed information on transport, communications and other basic facilities is contained in the 2001 working paper prepared by the Secretariat (A/AC.109/2001/11). According to the administering Power, the road network in the Falkland Islands (Malvinas) grows by some 50 kilometres per year. Currently, there are some 660 kilometres of roads, of which 10 per cent are surfaced.

26. In accordance with the provisions of the Joint Statement of 14 July 1999, the President of Argentina issued Decree 1179/02 of 4 July 2002, authorizing the airline Lan-Chile to carry out international services of passengers, cargo and mail along the route "Punta Arenas (Republic of Chile)-Puerto Argentino (Republic of Argentina)-Punta Arenas (Republic of Chile)", including a monthly stop-over in Rio Gallegos.

In this way, the non-scheduled flights that had served the above-mentioned route since 7 August 1999 were granted scheduled status.

G. Banking

27. Both British and local coinage is used, together with local currency notes. There is a parity between United Kingdom and Falkland Islands (Malvinas) currency. The Standard Chartered Bank of the United Kingdom opened a branch in Stanley in December 1983.

H. Public works

28. The Public Works Department of the territorial Government is responsible for road-building projects, municipal services, construction projects and supplying water and electricity to the residents of Stanley. Recent projects have included an extension of Stanley Infant/Junior School and the building of a new abattoir. In June 2001, the General Purposes Committee of the Falkland Islands (Malvinas) decided that the water and power utilities of the Islands should not be privatized.[4]

V. Social conditions

A. General

29. According to the administering Power, the Territory observes the principles contained in the Universal Declaration of Human Rights. The provisions of the European Convention for the Protection of Human Rights and Fundamental Freedoms has been extended to the Falkland Islands (Malvinas) by the administering Power. Further, the United Kingdom has extended the International Covenants on Civil and Political Rights and on Economic, Social and Cultural Rights to the Territory and observes the regular reporting procedures under these instruments. The common law of England applies in the Falkland Islands (Malvinas) except insofar as it is inconsistent with any enactment of the law applying to the Falkland Islands (Malvinas). There is no discrimination on the basis of sex in the implementation of articles 2 and 3 of the International Covenant on Civil and Political Rights. The Convention on the Elimination of All Forms of Discrimination against Women has been applied by the United Kingdom in the Falkland Islands (Malvinas) with the agreement of the territorial Government.

30. According to the Government of Argentina, the said declarations by the United Kingdom regarding the Falkland Islands (Malvinas), South Georgia and the South Sandwich Islands were rejected by the Government of Argentina by its declarations of 3 October 1983 and 8 August 1986 on the International Covenant on Economic, Social and Cultural Rights, of 3 October 1983, 8 August 1986 and 5 October 2000 on the International Covenant on Civil and Political Rights, and of 4 April 1989 on the Convention on the Elimination of All Forms of Discrimination against Women.

B. Public health

31. The general state of health in the Falkland Islands (Malvinas) is good. Medical and dental treatments and prescription drugs are free to all residents and to United Kingdom citizens. All medical services are based at the King Edward VII Memorial Hospital in Stanley. According to the administering Power, the 32-bed hospital provides a full range of primary care services to the civilian population, military personnel stationed in Stanley and the foreign fishing fleets around the Islands. In addition, there is a visiting medical service to outlying farm settlements. The Hospital has facilities to deal with acute medical and surgical conditions. Cases requiring specialist attention are first stabilized and then evacuated to the United Kingdom or, in emergencies, to Montevideo, Uruguay. The estimated expenditure for health and social services in 2001/2002 was £4.9 million (up from £3.8 million in 2000/2001).

32. During the period under review and upon request by a Chilean private airline, the Government of Argentina authorized five emergency air ambulance flights between the Falkland Islands (Malvinas) and Santiago, Chile.

C. Social security and welfare

33. According to the administering Power, The Falkland Islands Retirement Pensions Ordinance provides for mandatory fixed monthly contributions by all employers and by employees between the ages of 17 and 64. Implementation of the Falkland Islands Pension Scheme Ordinance 1997 commenced during 1998. This scheme provides a national defined contribution vehicle through which employers, self-employed individuals and other individuals within the Falkland Islands (Malvinas) can make contributions under employer-employee agreements or voluntarily during their working lives and receive a pension upon retirement. A system of social welfare grants and pensions is in operation to deal with cases of hardship and disability. The social welfare budget for the financial year 2001/2002 was estimated at £396,870 plus grants, pensions and welfare payments.

D. Education

34. According to the administering Power, education in the Falkland Islands (Malvinas) is free and compulsory for all children between the ages of 5 and 16. The local Government provides staff, equipment and supplies for education, has a primary and a secondary school in Stanley and operates four small settlement schools on large farms. In the rural areas, younger children either attend the settlement schools or are visited by one of the six travelling teachers for two weeks out of every six. There are also radio and telephone lessons available. Older children from the rural areas who attend the secondary school in Stanley live in a boarding hostel. Students above the age of 16 who qualify in exams are funded for studies in the United Kingdom. In 2002, there were 386 schoolchildren being educated in the Falkland Islands (Malvinas), and 4 pupils were being educated in the United Kingdom. According to the administering Power, estimated illiteracy in the Islands of the total population aged 20 years and over was 0.5 per cent.

E. Other developments

35. During the period under review, there were private contacts between the inhabitants of the Territory and continental Argentina. Among these contacts, an Argentine veterinarian from the Universidad Nacional de La Plata conducted a study in the Territory in June 2002 as part of his investigation of the feeding habits of penguins.[5] James Peck, an artist from the Islands, participated in the Fifth Exhibition and sale of Argentine Contemporary Art, held in Buenos Aires from 21 to 25 November 2002.

VI. Participation in international organizations and arrangements

36. The Government of the Falkland Islands (Malvinas) participates in activities of the Commonwealth and is a member of the United Kingdom Overseas Territories Association. Representatives of this Government have participated, as members of the United Kingdom delegation, in discussions on matters affecting their interests, such as those leading to the 14 July 1999 joint statement. In September 2002, a representative of the Falkland Islands (Malvinas) attended a conference of the Overseas Countries and Territories of the European Union, held in Bonaire, Netherlands Antilles.[6]

VII. Consideration by the United Nations

A. Special Committee on the Situation with regard to the Implementation of the Declaration on the Granting of Independence to Colonial Countries and Peoples

37. The Special Committee considered the question of the Falkland Islands (Malvinas) at its 8th meeting, on 19 June 2002. At that meeting, the Special Committee decided to accede to the request of Argentina, Brazil, Paraguay, Peru and Uruguay to participate in the consideration of the item. At the same meeting, in accordance with a previous decision taken by the Special Committee at its 6th meeting, statements were made by Norma Edwards and Philip Miller of the Legislative Council of the Falkland Islands (Malvinas), Alejandro Jacobo Betts and James Douglas Lewis (see A/AC.109/2002/SR.8).

38. At the same meeting, the representative of Chile, on behalf of Bolivia, Cuba and Venezuela introduced a draft resolution on the item (A/AC.109/2002/L.12), saying that the text was a further contribution to the efforts to achieve a peaceful, just and long-term settlement of the long-standing dispute between Argentina and the United Kingdom concerning sovereignty over the Falkland Islands (Malvinas). His country was firmly convinced that a peaceful negotiated settlement was the only way to resolve the problem. Thus, Chile called once more for the immediate implementation of General Assembly resolution 2065 (XX) and others by which Argentina and the United Kingdom were invited to resume negotiations on the matter and also called for the current draft resolution to be adopted by consensus.

39. At the same meeting, the Minister for Foreign Affairs, International Trade and Worship of the Argentine Republic, Carlos Ruckauf, stated inter alia:

> "... this Special Committee ... has under consideration a question of colonial origin of fundamental importance to the Argentine Republic, namely, the dispute concerning sovereignty over the Malvinas, South Georgia and South Sandwich Islands and the surrounding maritime areas.
>
> "The Argentine Government is committed to recovering these archipelagos and maritime areas, which form an integral part of our national territory. To achieve full exercise of sovereignty, through the peaceful means of diplomatic negotiations, is a goal enshrined in our national Constitution, along with respect for the way of life of the inhabitants of the islands.
>
> "... The Malvinas Islands were occupied in 1833 by the United Kingdom, which in the process expelled by force the Argentine inhabitants and authorities established there and replaced them with British subjects. Ever since, the Argentine Republic has continued to call for the restitution of this integral part of its national territory from the occupying Power and before the international community.
>
> "The passage of time has not and cannot weaken this just claim. We are convinced that the pending negotiations will enable us to find a solution to this prolonged dispute. In that regard, the Argentine Government once again reaffirms its complete willingness to resume negotiations with the United Kingdom in accordance with the provisions of the relevant resolutions of this Special Committee and the General Assembly.
>
> "As is well known and was mentioned earlier, the General Assembly, in its resolution 2065 (XX), recognized that a colonial situation existed on the Malvinas Islands and recommended that it should be brought to an end in a manner that would reconcile respect for the territorial integrity of the Argentine Republic with recognition of the interests of the inhabitants of the islands. This is what we have been calling for.
>
> "Furthermore, this Special Committee has on repeated occasions requested both Governments to consolidate the current process of dialogue through the resumption of bilateral negotiations in order to find as soon as possible a peaceful solution to the sovereignty dispute. Notwithstanding such pronouncements, the United Kingdom has not shown itself willing to resume dialogue on the substantive issue. My Government regrets this attitude on the part of the British and trusts that it will be reconsidered."

40. Also at the 8th meeting of the Committee, the representative of Peru stated that the Falkland Islands (Malvinas) question should be resolved by addressing the sovereignty dispute according to General Assembly resolutions 2065 (XX) and 3160 (XXVIII). He recalled that Peru had participated in mediation efforts during the 1982 conflict and that the Eleventh Ibero-American Summit, held in Lima in 2001, had called for both parties to resolve the matter, taking into account the principle of territorial integrity. He called for resumed negotiations between Argentina and the United Kingdom. The representative of China appealed to the Governments of Argentina and the United Kingdom to continue their dialogue for a rapid and peaceful settlement of the dispute as called for in many resolutions. The representative of Syria supported the Committee's resolutions calling on both

Governments to resume negotiations for a speedy solution to their sovereignty dispute. He expressed satisfaction with the statement by the representative of Argentina, regarding the Government's readiness to engage in dialogue with the United Kingdom and to respect the interests of the islanders. The representative of Brazil, speaking on behalf of the members of the Common Market of the South (MERCOSUR), as well as Bolivia and Chile, stated that the only way to solve the colonial situation of the Falkland Islands (Malvinas) was through a peaceful and negotiated settlement of the sovereignty dispute. He reiterated MERCOSUR's support for Argentina's legitimate rights in the matter, recalled the Declaration of the Meeting of Presidents of South America in 2000, expressed satisfaction over the positive developments described in A/AC.109/2002/16, but lamented that resolutions calling for negotiations on all aspects of the future of the Territory had not been implemented. The representative of Paraguay reaffirmed his country's firm support for Argentina on the issue of the Falkland Islands (Malvinas). He noted with satisfaction that Argentina and the United Kingdom were strengthening their political, commercial and cultural links but added that there was no reason to delay further the resolution of the sovereignty dispute. The representative of Uruguay affirmed that the only grounds on which the United Kingdom laid claim to the Falkland Islands (Malvinas) was by an act of force committed against a sovereign territory of Argentina. Legally, historically, geographically and geologically, the Islands were Argentinian. All that remained was for both Governments to begin peaceful negotiations to normalize the situation, in accordance with resolutions of the General Assembly and the Organization of American States, for the benefit of all parties, including the inhabitants of the Islands. The representative of Indonesia noted the Committee's view that no one model of decolonization could be applied to all cases. Despite the many resolutions adopted on the Falkland Islands (Malvinas) question, no final solution had been achieved. While his Government appreciated the recent advances in bilateral relations between Argentina and the United Kingdom, the question would only be resolved through peaceful means, in compliance with relevant resolutions and international law. The representative of Sierra Leone affirmed that colonialism in any form was incompatible with the Charter of the United Nations, reiterated that the islanders must be allowed to exercise their right to self-determination and expressed the hope that the United Kingdom and Argentina would consolidate the process of dialogue to resolve the dispute. The representative of the Russian Federation expressed support for the draft resolution and satisfaction that a consensus had been reached. It remained essential to resolve the dispute through bilateral negotiations in accordance with the relevant General Assembly resolutions. The representative of Papua New Guinea said that the issue was very delicate. While Argentina and the United Kingdom should resolve the sovereignty issue through constructive negotiations, it was essential that the opinion of the islanders about the future status of the Territory should be ascertained. The representative of Ethiopia called on Argentina and the United Kingdom to resume talks for a peaceful settlement of the issue, in accordance with the Charter and General Assembly resolutions, while bearing in mind the interests of the inhabitants of the Islands. The representative of Iraq said that his country supported Argentina's right to sovereignty over the Falkland Islands (Malvinas) and he regretted that, despite the appeals made for the resumption of negotiations between Argentina and the United Kingdom, the relevant resolutions on the issue had not yet been implemented. The representative of Cuba said that his delegation fully supported the legitimate right of Argentina in the dispute over the Falkland

Islands (Malvinas), and stated that only continuing dialogue between Argentina and the United Kingdom could lead to the peaceful solution of the issue. The representative of Venezuela expressed her country's full support for the legitimate right of Argentina in the sovereignty dispute, and called for a resumption of bilateral negotiations to resolve the matter. The representative of Fiji noted improvements in relations "between the people of the Falkland Islands (Malvinas) and Argentina, as well as between the United Kingdom and Argentina", and called for the two States to resolve the question, bearing in mind the interests of the islanders and in accordance with relevant resolutions. The representative of Côte d'Ivoire stated that his country had friendly relations with both States in the dispute. At the heart of the matter were questions of sovereignty and self-determination. He called on both parties to act resolutely to resolve the problem. The representative of Bolivia expressed his country's support of the legitimate rights of Argentina in the question of the Falkland Islands (Malvinas) and also its support for the prompt resumption of negotiations to settle the sovereignty dispute. As a co-sponsor of the draft resolution, he hoped that it would be adopted by consensus. The representative of Grenada joined the consensus and noted the complexities of the sovereignty dispute. He hoped that when a serious dialogue on the matter began, the concerns of the islanders would be taken into consideration. The representative of Antigua and Barbuda said that he was pleased to note that Argentina and the United Kingdom were cooperating with one another and ensuring the continued safety and development of the islanders. The Committee was the conduit through which the interests of the parties were served. He wished the islanders success in their endeavours.

41. The Special Committee adopted the resolution without a vote (A/AC.109/2002/25).

B. Position of the Government of Argentina

42. On 17 September 2002, during the general debate at the fifty-seventh session of the General Assembly, the Minister for Foreign Affairs, International Trade and Worship of Argentina, Carlos F. Ruckauf, stated the following:

> "As the General Assembly knows well, the Argentine Republic has a sovereignty dispute with the United Kingdom over the Malvinas and South Georgia and the South Sandwich Islands, as well as the surrounding maritime areas. The recovery of full sovereignty over that part of our national territory, while respecting the interests of the inhabitants and international law, is a precept enshrined in the Argentine Constitution. The issue was included in the programme of work of this Organization, which, in several resolutions, asked the Government of Argentina and the Government of the United Kingdom to resume negotiations to find a just and lasting solution to the sovereignty dispute, thus ending a colonial situation imposed by the use of force in 1833.
>
> "Today, in line with that request, Argentina once again reaffirms its positive disposition to resume bilateral negotiations with the United Kingdom to find a solution to the question and its support of the good offices mission that the General Assembly entrusted to the Secretary-General to assist the parties to achieve that goal."

C. Position of the administering Power

43. On 17 September 2002 during the 13th plenary meeting of the General Assembly (see A/57/PV.13), the representative of the United Kingdom spoke as follows in exercise of the right of reply on the issue of the Falkland Islands (Malvinas):

> "with respect to the statement made by the Minister for Foreign Affairs, International Trade and Worship of Argentina, the British Government welcomes the resolve of the Argentine Government to engage in positive bilateral exchanges with the United Kingdom concerning practical cooperation in the South Atlantic. My Government shares this resolve. We believe that such exchanges contribute further to the mutual understanding embodied in the 1999 Anglo-Argentine Joint Statement. Implementation of this Statement, which covers a range of issues concerning the South Atlantic, including air access, fisheries conservation and other confidence-building measures, shows that the United Kingdom and Argentina can manage our differences whilst developing cooperation on matters of common interest. We have continued to make steady progress in the past year.
>
> "However, we wish to recall that there is nothing in the 1999 Joint Statement that compromises the position of the United Kingdom in relation to its sovereignty over the Falkland Islands, South Georgia and the South Sandwich Islands. The British Government has no doubt about its sovereignty over these territories and their surrounding maritime areas.
>
> "The elected representatives of the Islands once again expressed their own views clearly when they visited the United Nations for this year's debate in the United Nations Committee of 24 on 19 June. They asked the Committee to recognize that they, like any other people, were entitled to exercise the right of self-determination. They reiterated that the people of the Falkland Islands did not wish for any change in the status of the Islands. We fully support the right of self-determination, as set out in paragraph 2 of Article 1 of the Charter of the United Nations and paragraph 4 of the United Nations Millennium Declaration, and we remain committed to the right of the people of the Falkland Islands to determine their own future. There will be no change in the sovereignty of the Falkland Islands unless the islanders wish it.
>
> "This year, we commemorate the twentieth anniversary of the 1982 South Atlantic conflict and we are confident that our relations with Argentina will continue to develop in the spirit of reconciliation which marks this occasion. We believe that cooperation with Argentina on matters of mutual interest will enable us to manage our differences, whilst assisting in the development of confidence and trust in the South Atlantic."

44. On 30 September 2002, at the 2nd meeting of the Special Political and Decolonization Committee (Fourth Committee), the representative of the United Kingdom spoke in exercise of the right of reply in response to statements by the representatives of Brazil, Costa Rica and Cuba. She stated that the position of the United Kingdom was well known and had last been set out in detail by her Government in a right of reply to a statement made by the Minister for Foreign Affairs of Argentina during the general debate on 17 September 2002.

D. Contributions by other Member States

45. On 30 September 2002, during the general debate on decolonization items in the Special Political and Decolonization Committee (Fourth Committee), the representative of Cuba reiterated his delegation's strong support for the legitimate right of Argentina in the dispute over the sovereignty of the Falkland Islands (Malvinas) and called for dialogue and cooperation between the parties, in the interests of finding a just, peaceful and honourable resolution of the issue (see A/C.4/57/SR.2). At the same meeting, the representative of Brazil, speaking on behalf of MERCOSUR countries and the associated States of Bolivia and Chile, said that they were keen to see a resolution of the sovereignty dispute and that they hoped that the improved bilateral relations and cooperation on practical matters would lead to a resumption of negotiations on the sovereignty issue. The representative of Costa Rica, on behalf of the States members of the Rio Group, stressed the need for Argentina and the United Kingdom to resume talks to find a peaceful, just and lasting solution to the Falkland Islands (Malvinas) sovereignty dispute.

46. At the 3rd meeting of the Fourth Committee, on 1 October 2002 (see A/C.4/57/SR.3), the representative of Bolivia reiterated the "Declarations on the Malvinas Islands" adopted during the 1996 and 1999 meetings of the Presidents of States members of MERCOSUR and of Bolivia and Chile, and expressed the hope that bilateral negotiations would resume to resolve the matter. The representative of Venezuela expressed her country's support for the Argentine Republic's claim to sovereignty over the islands and called on both parties to hold talks so as to arrive at a fair resolution of the dispute. She added that the very high-level dialogue and recent cooperation between the Governments of Argentina and the United Kingdom might create the necessary conditions for such negotiations. At the 6th meeting of the Fourth Committee, on 4 October 2002 (see A/C.4/2002/SR.6), the representative of the Congo said that his delegation hoped to see a peaceful and negotiated settlement of the sovereignty dispute over the Falkland Islands (Malvinas) and urged the Governments of Argentina and the United Kingdom to make every effort to achieve it.

E. Action by the General Assembly

47. At its 47th plenary meeting, on 11 November 2002, the General Assembly decided to defer consideration of the item entitled "Question of the Falkland Islands (Malvinas)" and to include it in the provisional agenda of its fifty-eighth session (decision 57/511).

F. Consideration by other intergovernmental organizations and international forums

48. On 4 June 2002, the General Assembly of the Organization of American States (OAS), meeting in Barbados, adopted a Declaration on the Question of the Malvinas Islands, by which it considered that the matter was of enduring hemispheric concern; expressed its satisfaction with the resumption of diplomatic relations between Argentina and the United Kingdom of Great Britain and Northern Ireland;

emphasized the excellent state of their bilateral relations; welcomed with satisfaction that the Governments of both countries continued to reinforce political, trade and cultural ties, and were also engaging in close cooperation both bilaterally and in international forums; welcomed the reaffirmation of the will of the Government of Argentina to continue exploring all possible avenues for peaceful settlement of the controversy and its constructive approach towards the inhabitants of the Falkland Islands (Malvinas); reaffirmed the need for the Governments of Argentina and the United Kingdom to begin negotiations as soon as possible on the sovereignty dispute, in order to find a peaceful solution to this protracted controversy; and decided to continue to examine the question of the Falkland Islands (Malvinas) at its subsequent sessions until a definitive settlement was reached thereon.

49. At the same meeting of OAS, the Minister for Foreign Affairs, International Trade and Worship of Argentina stated, inter alia, that:

> "The people and Government of Argentina are constantly seeking the peaceful and negotiated recovery of the Malvinas, South Georgia and South Sandwich Islands and the surrounding maritime areas, which form an integral part of its national territory. Any Government of Argentina at any time will reassert our right to sovereignty, because of the profound conviction of the Argentine people, as well as for historical and legal reasons.
>
> "... the Argentine Government, through my intermediary, reaffirms once again its willingness to resume a dialogue with the United Kingdom concerning the dispute and thus to comply with the provisions of the relevant resolutions of the United Nations and the Organization of American States in the search for an early solution."

50. During the above-mentioned session of the OAS, the delegations of Brazil, Chile, Paraguay, Peru, Mexico, Nicaragua, Uruguay, Bolivia and Venezuela addressed the General Assembly in support of the Argentine position in the dispute over sovereignty.

51. The position of the United Kingdom with regard to the consideration of the question of the Falkland Islands (Malvinas) by the OAS was stated in a letter dated 13 November 1995 from the Permanent Observer Mission of the United Kingdom to OAS addressed to the Chairman of the Permanent Council of OAS:

> "The position of the British Government on the question of the Falkland Islands is well known and remains unchanged. It was, for example, set out most recently by the British delegation in the United Kingdom right of reply to the statement to the United Nations General Assembly by the Argentine Minister for Foreign Affairs on 27 September. I am sure you will understand why the United Kingdom cannot accept the various resolutions and declarations adopted by the General Assembly of the Organization and referred to the preamble and operative paragraph 1 of resolution 655 (104/95). I am sure that this matter will not inhibit the fruitful cooperation on a wide range of issues which we all desire."

52. At the twelfth Ibero-American Summit, held in Bávaro, Dominican Republic from 15 to 16 November 2002, the Heads of State and Government of the Ibero-American countries adopted the following Declaration on the Malvinas Islands:

"The Heads of State and Government of the Ibero-American countries, meeting in Bávaro, Dominican Republic, on the occasion of the twelfth Ibero-American Summit, reaffirm the need for the Government of the Argentine Republic and the United Kingdom of Great Britain and Northern Ireland to resume, as soon as possible, the negotiations aimed at finding an early solution to the sovereignty dispute relating to the question of the Malvinas Islands, in accordance with the resolutions of the United Nations and the Organization of American States and the provisions and objectives of the Charter of the United Nations, including the principle of territorial integrity."

Notes

[1] The information contained in the present paper has been derived from information transmitted to the Secretary-General by the Government of the United Kingdom of Great Britain and Northern Ireland under Article 73 *e* of the Charter of the United Nations on 15 January and 14 February 2003, as well as from official documents of the Government of Argentina.

[2] *Penguin News*, 13 December 2002.

[3] Ibid., 25 October 2002.

[4] Ibid., 6 July 2001.

[5] Ibid., 13 June 2002.

[6] Final Declaration of the Overseas Countries and Territories of the European Union 2002 Ministerial Conference, Bonaire (Netherlands Antilles), 18 September 2002.

United Nations A/AC.109/2003/18

General Assembly

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Special Committee on the Situation with regard to the Implementation of the Declaration on the Granting of Independence to Colonial Countries and Peoples

Dissemination of information on decolonization during the period from June 2002 to May 2003

Report of the Secretary-General

I. Introduction

1. The General Assembly, in paragraph 2 of its resolution 57/139 of 11 December 2002, considered it important "to continue its efforts to ensure the widest possible dissemination of information on decolonization" and, in paragraph 3, requested the Department of Public Information of the Secretariat to "take measures through all the media available, including publications, radio and television, as well as the Internet, to give publicity to the work of the United Nations in the field of decolonization". The present report, prepared in response to that mandate, covers the activities undertaken by the Department in the field of decolonization during the reporting period from June 2002 to May 2003.

2. The activities of the Department of Public Information pertaining to decolonization continued to focus on coverage of the work of the General Assembly and the Special Committee on the Situation with regard to the Implementation of the Declaration on the Granting of Independence to Colonial Countries and Peoples, building partnerships with civil society through the network of United Nations information centres and strengthening the use of the Internet for the widest possible dissemination of information. The independence of East Timor, one of the Territories to which the Declaration on the Granting of Independence to Colonial Countries and Peoples continued to apply until 20 May 2002, was a subject of extensive coverage.

II. Coverage of issues before the General Assembly

3. The Department provided full and comprehensive coverage of the General Assembly debate on decolonization, including that which took place in the Special

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Political and Decolonization Committee (Fourth Committee). Special attention was devoted to the opening of the 2003 session of the Special Committee on 12 February, including the statement by the Secretary-General, which was issued as a press release. That statement and all press releases pertaining to the work of the United Nations in the field of decolonization issued at Headquarters were distributed electronically to the worldwide network of United Nations information centres.

4. The Department continued to publicize the work of the United Nations in the field of decolonization. It issued a total of 34 press releases, in English and French, on the relevant meetings of the General Assembly, the Special Political and Decolonization Committee (Fourth Committee) and the Special Committee.

5. The topic of decolonization was included in the Department's guided tour of United Nations Headquarters and was discussed in the training of new guides and in the guides' daily briefings. During the reporting period, the Department held a special briefing on decolonization for the guiding staff. Over the past year, the Department responded to media and public inquiries about decolonization issues.

6. The Department also provided coverage of the proceedings of the Caribbean regional seminar organized by the Special Committee in Anguilla from 20 to 22 May 2003. Press releases were issued, highlighting the agenda and proceedings of the Seminar. The message from the Secretary-General to the Seminar was also issued and widely distributed.

III. United Nations Radio and Television

7. The Radio Section of the Department of Public Information continued to cover various issues concerning decolonization and related issued in its daily news programmes and current affairs magazines, in both official and non-official languages, for worldwide and regional dissemination.

8. During the period under review, United Nations Radio filed reports in various languages on the work of the Special Committee and of the Special Political and Decolonization Committee (Fourth Committee) of the General Assembly, the questions of the Falkland Islands (Malvinas) and Gibraltar, the issue of the Non-Self-Governing Territories, the admission of Timor-Leste as a new State Member of the United Nations, and the Caribbean regional seminar in Anguilla to review the political, economic and social conditions in the small island Non-Self-Governing Territories.

9. The regional radio news magazine, "Caribbean News Round-up", carried numerous stories on decolonization. Some of the topics covered included the statement by the Chief Minister of Gibraltar on its self-determination in the decolonization process, the presentation of the representative of the United States Virgin Islands during the Special Committee's discussion on the Non-Self-Governing Territories, the presentation of the Committee Chairman to the Economic and Social Council last year, as well as his statement praising the work of the Committee, which contributed to setting the stage for the newly independent State of Timor-Leste. The regional magazine also featured two interviews with Earl Stephen Huntley of Saint Lucia, Chairman of the Special Committee on the Implementation of the Declaration on the Granting of Independence to Colonial Countries and

Peoples, on the Pacific regional seminar on decolonization, held at Nadi, Fiji, in May 2002, and the work plan of the Committee for 2003.

10. On the subject of Timor-Leste, its admission to the United Nations was covered in all official languages and Portuguese. In particular, the Portuguese news and feature programmes filed 11 reports, inter alia, on the admission of Timor-Leste as the 191st State Member of the United Nations on 27 September 2002 and its flag-raising ceremony at United Nations Headquarters. United Nations Radio conducted interviews with various national and international personalities, such as President Xanana Gusmão of Timor-Leste and Ian Martin, former Special Representative of the Secretary-General for East Timor, which is now called Timor-Leste. The daily English programme, "UN Today", also featured Indonesia's Human Rights Court handing down its verdicts for crimes committed during the violence in East Timor, and a local newspaper project by United Nations peacekeeping soldiers to help to improve life in small towns and villages in Timor-Leste.

11. In addition, United Nations Radio produced three news/feature programmes in Spanish with regard to Argentina reiterating its sovereignty over the Falkland Islands (Malvinas) and its willingness to engage in dialogue regarding the Islands.

12. United Nations Television produced three "UN in Action" films on Timor-Leste, which CNN used in its coverage. The three films are: "East Timor: A New Nation is Born", "East Timor Gets Ready for International Trade" and "Timor-Leste: Better Birthing for a Newborn Nation". United Nations Television also covered the flag-raising ceremony of Timor-Leste upon joining the United Nations.

IV. Publications

13. The *UN Chronicle*, the Department's quarterly magazine, continued to provide coverage of the General Assembly's work in the field of decolonization, including the success relating to Timor-Leste, as well as ongoing developments in Tokelau.

14. In Issue No. 2, 2002, of the *UN Chronicle*, an article on East Timor highlighted issues of education and health, and another listed 20 of the major achievements the United Nations and its partners had made since the establishment of the United Nations Transitional Administration in East Timor (UNTAET) to prepare the country for independence. Under the PeaceWatch Section in Issue No. 3, 2002, the *UN Chronicle* reported on the handing-over of authority on 20 May by UNTAET and the Secretary-General to the democratically elected government, and in Issue No. 4, 2002, it carried the discussion about the future of the country by Prime Minister Mari Alkatiri and Foreign Minister Jose Ramos-Horta at the Asia Society in New York. In Issue No. 1, 2003, as part of its coverage of Special Political and Decolonization Committee (Fourth Committee) action at the fifty-seventh session of the General Assembly, an article entitled "Lessons from Timor-Leste and Tokelau" was included.

15. All of the above articles were posted on the online edition of the *UN Chronicle*. Also posted was an article announcing the approval of arrangements for the Caribbean regional seminar on advancing the decolonization process in the Caribbean and Bermuda, held in Anguilla in May 2003, with background on the annual event.

V. The Internet

16. A web page created in February 2000 to highlight developments in the area of decolonization continued to be updated. In addition to posting decolonization-related United Nations documents in English, French and Spanish, the page provides a brief history of decolonization and updates its activities, including the proceedings of various regional seminars.

17. The Department continues to maintain and regularly update web pages on the United Nations Mission of Support in East Timor (UNMISET) and the United Nations Mission for the Referendum in Western Sahara (MINURSO) on the United Nations web site.

VI. Dag Hammarskjöld Library

18. This year, the Dag Hammarskjöld Library responded to a request from the National Archives of Namibia for information concerning Namibia's early history and, particularly, its struggle for independence. The result was a product entitled *United Nations Security Council and Namibia*, a compilation on two CDs of 315 Security Council documents on the topic, covering the years 1968-1990, complete with full text indexes.

VII. United Nations information centres and services

19. The network of United Nations information centres, services and offices continued to promote the work of the United Nations in the area of decolonization. For example, during the period under review, the United Nations Information Service (UNIS) in Vienna reissued and disseminated relevant Department of Public Information press releases and public information materials to its client groups in the four countries it services (Austria, Hungary, Slovakia and Slovenia). Through its outreach activities, especially in lectures and briefings, UNIS Vienna staff continued to draw attention to the work of the United Nations in the field of decolonization as an area of success and achievement. The Organization's work in Timor-Leste, the fate of the Trusteeship Council and the possible comparisons between the role of the United Nations as a decolonizer/trustee and its more current peace-building role, were the three key topics during lectures and briefings where decolonization was given special attention. The United Nations Information Centre in Rio de Janeiro contributed to four one-hour television programmes on Timor-Leste.

20. The continuing work of the United Nations for decolonization was further disseminated through the local language web sites and newsletters of the United Nations information centres. The admission of Timor-Leste created another opportunity for those offices to highlight the successful work of the United Nations for decolonization.

United Nations A/AC.109/2003/19

General Assembly

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Special Committee on the Situation with regard to the Implementation of the Declaration on the Granting of Independence to Colonial Countries and Peoples

Resolution adopted by the Special Committee at its 3rd meeting, on 2 June 2003

Dissemination of information on decolonization

The Special Committee,

Having examined questions relating to the dissemination of information on decolonization,

Recalling General Assembly resolution 1514 (XV) of 14 December 1960, containing the Declaration on the Granting of Independence to Colonial Countries and Peoples, and other resolutions and decisions of the United Nations concerning the dissemination of information on decolonization, in particular General Assembly resolution 57/139 of 11 December 2002,

Recognizing the need for flexible, practical and innovative approaches towards reviewing the options of self-determination for the peoples of Non-Self-Governing Territories with a view to achieving the goals of the Second International Decade for the Eradication of Colonialism,

Reiterating the importance of dissemination of information as an instrument for furthering the aims of the Declaration, and mindful of the role of world public opinion in effectively assisting the peoples of Non-Self-Governing Territories to achieve self-determination,

Recognizing the role played by the administering Powers in transmitting information to the Secretary-General in accordance with the terms of Article 73 *e* of the Charter of the United Nations,

Aware of the role of non-governmental organizations in the dissemination of information on decolonization,

1. *Approves* the activities in the field of dissemination of information on decolonization undertaken by the Department of Public Information and the Department of Political Affairs of the Secretariat in accordance with the relevant resolutions of the United Nations on decolonization;

03-37962 (E)

2. *Considers it important* to continue its efforts to ensure the widest possible dissemination of information on decolonization, with particular emphasis on the options of self-determination available for the peoples of Non-Self-Governing Territories;

3. *Requests* the Department of Political Affairs and the Department of Public Information to take into account the suggestions of the Special Committee to continue their efforts to take measures through all the media available, including publications, radio and television, as well as the Internet, to give publicity to the work of the United Nations in the field of decolonization and, inter alia:

(a) To continue to collect, prepare and disseminate, particularly to the Territories, basic material on the issue of self-determination of the peoples of Non-Self-Governing Territories;

(b) To seek the full cooperation of the administering Powers in the discharge of the tasks referred to above;

(c) To maintain a working relationship with the appropriate regional and intergovernmental organizations, particularly in the Pacific and Caribbean regions, by holding periodic consultations and exchanging information;

(d) To encourage the involvement of non-governmental organizations in the dissemination of information on decolonization;

(e) To report to the Special Committee on measures taken in the implementation of the present resolution;

4. *Requests* all States, including the administering Powers, to continue to extend their cooperation in the dissemination of information referred to in paragraph 2 above;

5. *Decides* to continue to examine this question and to report thereon to the General Assembly at its fifty-ninth session.

United Nations A/AC.109/2003/20

General Assembly

Distr.: General
2 June 2003

Original: English

Special Committee on the Situation with regard to the Implementation of the Declaration on the Granting of Independence to Colonial Countries and Peoples

Resolution adopted by the Special Committee at its 3rd meeting, on 2 June 2003

Information from Non-Self-Governing Territories transmitted under Article 73 *e* of the Charter of the United Nations

The Special Committee,

Recalling General Assembly resolution 1970 (XVIII) of 16 December 1963, in which the Assembly requested the Special Committee to study the information transmitted to the Secretary-General in accordance with Article 73 *e* of the Charter of the United Nations and to take such information fully into account in examining the situation with regard to the implementation of the Declaration on the Granting of Independence to Colonial Countries and Peoples, contained in General Assembly resolution 1514 (XV) of 14 December 1960,

Recalling also General Assembly resolution 57/131 of 11 December 2002, in which the Assembly requested the Special Committee to continue to discharge the functions entrusted to it under resolution 1970 (XVIII),

Stressing the importance of timely transmission by the administering Powers of adequate information under Article 73 *e* of the Charter, in particular in relation to the preparation by the Secretariat of the working papers on the Territories concerned,

Having examined the report of the Secretary-General,[1]

1. *Reaffirms* that, in the absence of a decision by the General Assembly itself that a Non-Self-Governing Territory has attained a full measure of self-government in terms of Chapter XI of the Charter of the United Nations, the administering Power concerned should continue to transmit information under Article 73 *e* of the Charter with respect to that Territory;

[1] A/58/69.

03-37968 (E)

2. *Requests* the administering Powers concerned to transmit or continue to transmit to the Secretary-General the information prescribed in Article 73 *e* of the Charter, as well as the fullest possible information on political and constitutional developments in the Territories concerned, within a maximum period of six months following the expiration of the administrative year in those Territories;

3. *Requests* the Secretary-General to continue to ensure that adequate information is drawn from all available published sources in connection with the preparation of the working papers relating to the Territories concerned;

4. *Decides*, subject to any decision that the General Assembly may take in that connection, to continue to discharge the functions entrusted to it under Assembly resolution 1970 (XVIII), in accordance with established procedures.

United Nations A/AC.109/2003/21

General Assembly

Distr.: General
2 June 2003

Original: English

Special Committee on the Situation with regard to the Implementation of the Declaration on the Granting of Independence to Colonial Countries and Peoples

Resolution adopted by the Special Committee at its 3rd meeting, on 2 June 2003

Question of sending visiting missions to Territories

The Special Committee,

Having considered the question of sending visiting missions to Territories,

Recalling the relevant resolutions and decisions of the General Assembly and the Special Committee requesting the administering Powers to cooperate fully with the United Nations by receiving visiting missions in the Territories under their administration,

Mindful that United Nations visiting missions provide an effective means of assessing the situation in those Territories and of ascertaining the wishes and aspirations of the peoples thereof regarding their future status,

Conscious that United Nations visiting missions enhance the capacity of the United Nations to assist the peoples of Non-Self-Governing Territories in attaining the objectives set forth in the Declaration on the Granting of Independence to Colonial Countries and Peoples, contained in General Assembly resolution 1514 (XV) of 14 December 1960, and in other relevant resolutions of the Assembly,

Noting with appreciation the continuing exemplary cooperation of New Zealand, as an administering Power, in the work of the Special Committee, and that, at the invitation of the Government of New Zealand, two visiting missions were dispatched to Tokelau, in July 1994[1] and in August 2002,

Recalling the dispatch in 1979 of a United Nations visiting mission to the Territory of Guam, noting the recommendation of the 1996 Pacific Regional Seminar that a visiting mission be sent to Guam, and taking note of resolution No. 464 (LS), adopted by the twenty-third Guam legislature on 19 July 1996, in which it requested the dispatch of a United Nations visiting mission to that Territory,

[1] See A/AC.109/2009.

03-37980 (E)

Welcoming the continuing informal dialogue between the Special Committee and some administering Powers,

1. *Stresses* the need to dispatch periodic visiting missions to Non-Self-Governing Territories in order to facilitate the full, speedy and effective implementation of the Declaration on the Granting of Independence to Colonial Countries and Peoples with respect to those Territories in accordance with the relevant resolutions of the United Nations on decolonization;

2. *Calls upon* the administering Powers to cooperate or continue to cooperate with the United Nations by receiving United Nations visiting missions in the Territories under their administration in accordance with the relevant resolutions of the United Nations on decolonization;

3. *Requests* the administering Powers to consider new approaches in the work of the Special Committee, and urges them to cooperate with the Special Committee in its efforts;

4. *Requests* its Chairman to continue consultations with the administering Powers concerned and to report thereon to the Special Committee as appropriate;

5. *Also requests* its Chairman to enter into consultations with the administering Power of Guam with a view to facilitating the dispatch of a United Nations visiting mission to that Territory.

United Nations

A/AC.109/2003/22

General Assembly

Distr.: General
9 June 2003

Special Committee on the Situation with regard to the Implementation of the Declaration on the Granting of Independence to Colonial Countries and Peoples

Resolution adopted by the Special Committee at its 6th meeting, on 9 June 2003

Special Committee decision of 10 June 2002 concerning Puerto Rico

The Special Committee,

Bearing in mind the Declaration on the Granting of Independence to Colonial Countries and Peoples, contained in General Assembly resolution 1514 (XV) of 14 December 1960, as well as the resolutions and decisions of the Special Committee concerning Puerto Rico,

Considering that the decade of the 1990s was proclaimed by the General Assembly, in its resolution 43/47 of 22 November 1988, as the Decade for the Eradication of Colonialism, and that by resolution 55/146 of 8 December 2000, the General Assembly declared the period 2001-2010 the Second International Decade for the Eradication of Colonialism,

Bearing in mind the 21 resolutions and decisions adopted by the Special Committee on the question of Puerto Rico, contained in the reports of the Special Committee to the General Assembly,

Recalling that 25 July 2003 marks the one hundred and fifth anniversary of the intervention in Puerto Rico by the United States of America,

Also recalling the diverse initiatives taken by the political representatives of Puerto Rico and the United States in recent years, which have thus far failed to set in motion the process of decolonization of Puerto Rico,

Stressing the need for the United States to lay the groundwork for the full implementation of General Assembly resolution 1514 (XV) and the resolutions and decisions of the Special Committee concerning Puerto Rico,

Taking into account the measures adopted by both Chambers of the Legislative Assembly of Puerto Rico recommending the convening of a Status Assembly of the people of Puerto Rico as part of the search for procedures that would make it possible to launch the process of decolonization of Puerto Rico,

03-39031 (E)

Aware that Vieques Island, Puerto Rico, has been used for over 60 years by the United States Marines to carry out military manoeuvres, thereby limiting access by the civilian population to an area equivalent to barely a quarter of the island, with negative consequences for the health of the population, the environment and the economic and social development of that Puerto Rican municipality,

Taking note with satisfaction of the decision adopted by the Government of the United States of America to put an end to the bombings and military manoeuvres on Vieques Island from 1 May 2003,

Recognizing that such decision is the outcome of the prolonged process held during years of peaceful protests carried out by the people of Puerto Rico as well as the wide campaign of international solidarity, which has been appropriately reflected in the works and documents of the Special Committee,

Noting also the consensus existing in the people and the Government of Puerto Rico on the necessity of realizing the devolution to the people of Puerto Rico of the territories previously used in military manoeuvres, as well as its decontamination,

Recalling the release of 11 Puerto Rican political prisoners in 2000,

Noting the consensus among the people of Puerto Rico in favour of the release of the four Puerto Rican political prisoners who are still serving sentences in United States prisons for cases related to the struggle for Puerto Rico's independence,

Noting that the final document of the Thirteenth Summit of the Heads of State or Government of the Movement of Non-Aligned Countries, held in Kuala Lumpur on 24 and 25 February 2003, reaffirms the right of the people of Puerto Rico to self-determination and independence on the basis of General Assembly resolution 1514 (XV) and requests the Special Committee to continue actively pursuing the issue of Puerto Rico,

Having heard statements and testimonies representative of various viewpoints among the people of Puerto Rico and their social institutions,

Having considered the report of the Rapporteur of the Special Committee on the implementation of the resolutions concerning Puerto Rico,[1]

1. *Reaffirms* the inalienable right of the people of Puerto Rico to self-determination and independence in conformity with General Assembly resolution 1514 (XV) and the applicability of the fundamental principles of that resolution to the question of Puerto Rico;

2. *Reiterates* that the Puerto Rican people constitute a Latin American and Caribbean nation that has its own unequivocal national identity;

3. *Calls upon* the Government of the United States of America to assume its responsibility of expediting a process that will allow the Puerto Rican people fully to exercise their inalienable right to self-determination and independence, in conformity with General Assembly resolution 1514 (XV) and the resolutions and decisions of the Special Committee concerning Puerto Rico;

4. *Notes with satisfaction* that, in recent years, progress has been achieved towards the implementation of a mechanism that would ensure the full participation

[1] A/AC.109/2003/L.3

of representatives of all viewpoints prevailing in Puerto Rico, such as the proposals to convene a status Assembly of the people of Puerto Rico, based on the principle that any initiative for the solution of the political status of Puerto Rico should be originally taken by the people of Puerto Rico;

5. *Reiterates* the hope that the General Assembly will give comprehensive consideration to the question of Puerto Rico in all its aspects;

6. *Urges* the Government of the United States, in line with the need to guarantee the Puerto Rican people their legitimate right to self-determination and the protection of their human rights, return the occupied land on Vieques Island to the people of Puerto Rico, respect fundamental human rights, such as the right to health and economic development, assume the execution and the costs of the decontamination process of the impact areas previously used in military manoeuvres, and take care of the serious consequences to the health of the inhabitants of Vieques Island and the environmental degradation;

7. *Requests* the President of the United States of America to release all Puerto Rican political prisoners serving sentences in United States prisons for cases related to the struggle for the independence of Puerto Rico;

8. *Notes with satisfaction* the report prepared by the Rapporteur of the Special Committee,[1] in compliance with its resolution of 10 June 2002;

9. *Requests* the Rapporteur to report to the Special Committee in 2004 on the implementation of the present resolution;

10. *Decides* to keep the question of Puerto Rico under continuous review.

United Nations A/AC.109/2003/23

General Assembly

Distr.: General
13 June 2003

Special Committee on the Situation with regard to the Implementation of the Declaration on the Granting of Independence to Colonial Countries and Peoples

Resolution adopted by the Special Committee at its 7th meeting, on 12 June 2003

Question of New Caledonia

The Special Committee,

Having considered the question of New Caledonia,

Reaffirming the right of peoples to self-determination as enshrined in the Charter of the United Nations,

Recalling General Assembly resolutions 1514 (XV) of 14 December 1960 and 1541 (XV) of 15 December 1960,

Noting the importance of the positive measures being pursued in New Caledonia by the French authorities, in cooperation with all sectors of the population, to promote political, economic and social development in the Territory, including measures in the area of environmental protection and action with respect to drug abuse and trafficking, in order to provide a framework for its peaceful progress to self-determination,

Noting also, in this context, the importance of equitable economic and social development, as well as continued dialogue among the parties involved in New Caledonia in the preparation of the act of self-determination of New Caledonia,

Noting with satisfaction the intensification of contacts between New Caledonia and neighbouring countries of the South Pacific region,

1. *Welcomes* the significant developments that have taken place in New Caledonia as exemplified by the signing of the Noumea Accord of 5 May 1998 between the representatives of New Caledonia and the Government of France;[1]

2. *Urges* all the parties involved, in the interest of all the people of New Caledonia, to maintain, in the framework of the Noumea Accord, their dialogue in a spirit of harmony;

[1] A/AC.109/2114, annex.

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3. *Notes* the relevant provisions of the Nouméa Accord aimed at taking more broadly into account the Kanak identity in the political and social organization of New Caledonia, and also those provisions of the Accord relating to control of immigration and protection of local employment;

4. *Also notes* the relevant provisions of the Nouméa Accord to the effect that New Caledonia may become a member or associate member of certain international organizations, such as international organizations in the Pacific region, the United Nations, the United Nations Educational, Scientific and Cultural Organization and the International Labour Organization, according to their regulations;

5. *Further notes* the agreement between the signatories of the Nouméa Accord that the progress made in the emancipation process shall be brought to the attention of the United Nations;

6. *Welcomes* the fact that the administering Power invited to New Caledonia, at the time the new institutions were established, a mission of information which comprised representatives of countries of the Pacific region;

7. *Calls upon* the administering Power to transmit information regarding the political, economic and social situation of New Caledonia to the Secretary-General;

8. *Invites* all the parties involved to continue promoting a framework for the peaceful progress of the Territory towards an act of self-determination in which all options are open and which would safeguard the rights of all New Caledonians according to the letter and the spirit of the Nouméa Accord, which is based on the principle that it is for the populations of New Caledonia to choose how to control their destiny;

9. *Welcomes* measures that have been taken to strengthen and diversify the New Caledonian economy in all fields, and encourages further such measures in accordance with the spirit of the Matignon and Nouméa Accords;

10. *Also welcomes* the importance attached by the parties to the Matignon and Nouméa Accords to greater progress in housing, employment, training, education and health care in New Caledonia;

11. *Acknowledges* the contribution of the Melanesian Cultural Centre to the protection of the indigenous culture of New Caledonia;

12. *Notes* the positive initiatives aimed at protecting the natural environment of New Caledonia, notably the "Zonéco" operation designed to map and evaluate marine resources within the economic zone of New Caledonia;

13. *Acknowledges* the close links between New Caledonia and the peoples of the South Pacific and the positive actions being taken by the French and territorial authorities to facilitate the further development of those links, including the development of closer relations with the countries members of the Pacific Islands Forum;

14. *Welcomes*, in this regard, the accession by New Caledonia to the status of observer in the Pacific Islands Forum, continuing high-level visits to New Caledonia by delegations from countries of the Pacific region and high-level visits by delegations from New Caledonia to countries members of the Pacific Islands Forum;

15. *Decides* to keep under continuous review the process unfolding in New Caledonia as a result of the signing of the Nouméa Accord;

16. *Also decides* to continue the examination of the question of the Non-Self-Governing Territory of New Caledonia and to report thereon to the General Assembly at its fifty-ninth session.

United Nations A/AC.109/2003/24

General Assembly

Distr.: General
16 June 2003

Special Committee on the Situation with regard to the Implementation of the Declaration on the Granting of Independence to Colonial Countries and Peoples

Resolution adopted by the Special Committee at its 8th meeting, on 16 June 2003

Question of the Falkland Islands (Malvinas)

The Special Committee,

Having considered the question of the Falkland Islands (Malvinas),

Aware that the maintenance of colonial situations is incompatible with the United Nations ideal of universal peace,

Recalling General Assembly resolutions 1514 (XV) of 14 December 1960, 2065 (XX) of 16 December 1965, 3160 (XXVIII) of 14 December 1973, 31/49 of 1 December 1976, 37/9 of 4 November 1982, 38/12 of 16 November 1983, 39/6 of 1 November 1984, 40/21 of 27 November 1985, 41/40 of 25 November 1986, 42/19 of 17 November 1987 and 43/25 of 17 November 1988, Special Committee resolutions A/AC.109/756 of 1 September 1983, A/AC.109/793 of 21 August 1984, A/AC.109/842 of 9 August 1985, A/AC.109/885 of 14 August 1986, A/AC.109/930 of 14 August 1987, A/AC.109/972 of 11 August 1988, A/AC.109/1008 of 15 August 1989, A/AC.109/1050 of 14 August 1990, A/AC.109/1087 of 14 August 1991, A/AC.109/1132 of 29 July 1992, A/AC.109/1169 of 14 July 1993, A/AC.109/2003 of 12 July 1994, A/AC.109/2033 of 13 July 1995, A/AC.109/2062 of 22 July 1996, A/AC.109/2096 of 16 June 1997, A/AC.109/2122 of 6 July 1998, A/AC.109/1999/23 of 1 July 1999, A/AC.109/2000/23 of 11 July 2000, A/AC.109/2001/25 of 29 June 2001 and A/AC.109/2002/25 of 19 June 2002 and Security Council resolutions 502 (1982) of 3 April 1982 and 505 (1982) of 26 May 1982,

Distressed that, notwithstanding the time that has elapsed since the adoption of General Assembly resolution 2065 (XX), this prolonged dispute has not yet been settled,

Aware of the interest of the international community in the resumption by the Governments of the Argentine Republic and the United Kingdom of Great Britain

03-39867 (E)

and Northern Ireland of their negotiations in order to find as soon as possible a peaceful, just and lasting solution to the sovereignty dispute relating to the question of the Falkland Islands (Malvinas),

Expressing its preoccupation over the fact that the good level of relations between Argentina and the United Kingdom of Great Britain and Northern Ireland has not yet led to negotiations on the question of the Falkland Islands (Malvinas),

Considering that this situation should facilitate the resumption of the negotiations in order to find a peaceful solution to the dispute over sovereignty,

Reaffirming the principles of the Charter of the United Nations on the non-use of force or the threat of force in international relations and the peaceful settlement of international disputes,

Calling attention to the importance of the Secretary-General continuing his efforts to give full effect to the mission entrusted to him by the General Assembly in the resolutions on the question of the Falkland Islands (Malvinas),

Reaffirming the need for the parties to take due account of the interests of the population of the islands in accordance with the provisions of the General Assembly resolutions on the question of the Falkland Islands (Malvinas),

1. *Reiterates* that the way to put an end to the special and particular colonial situation in the question of the Falkland Islands (Malvinas) is the peaceful and negotiated settlement of the dispute over sovereignty between the Governments of the Argentine Republic and the United Kingdom of Great Britain and Northern Ireland;

2. *Takes note* of the views expressed by the Minister of Foreign Affairs, International Trade and Worship of the Argentine Republic on the occasion of the fifty-seventh session of the General Assembly;

3. *Regrets* that, in spite of the widespread international support for a negotiation between the Governments of Argentina and the United Kingdom that includes all aspects on the future of the Falkland Islands (Malvinas), the implementation of the General Assembly resolutions on this question has not yet started;

4. *Requests* the Governments of Argentina and the United Kingdom to consolidate the current process of dialogue and cooperation through the resumption of negotiations in order to find as soon as possible a peaceful solution to the sovereignty dispute relating to the question of the Falkland Islands (Malvinas), in accordance with the provisions of General Assembly resolutions 2065 (XX), 3160 (XXVIII), 31/49, 37/9, 38/12, 39/6, 40/21, 41/40, 42/19 and 43/25;

5. *Reiterates its firm support* for the mission of good offices of the Secretary-General in order to assist the parties in complying with the request made by the General Assembly in its resolutions on the question of the Falkland Islands (Malvinas);

6. *Decides* to keep under review the question of the Falkland Islands (Malvinas) subject to the directives that the General Assembly has issued and may issue in that regard.

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General Assembly

Distr.: General
18 June 2003

Special Committee on the Situation with regard to the Implementation of the Declaration on the Granting of Independence to Colonial Countries and Peoples

Resolution adopted by the Special Committee at its 9th meeting, on 18 June 2003

Implementation of the Declaration on the Granting of Independence to Colonial Countries and Peoples by the specialized agencies and the international institutions associated with the United Nations

The Special Committee,

Having considered the item entitled "Implementation of the Declaration on the Granting of Independence to Colonial Countries and Peoples by the specialized agencies and the international institutions associated with the United Nations",

Having also considered the report of the Secretary-General on the item,[1]

Recalling General Assembly resolutions 1514 (XV) of 14 December 1960 and 1541 (XV) of 15 December 1960 and the resolutions of the Special Committee, as well as other relevant resolutions and decisions, including in particular Economic and Social Council resolution 2002/30 of 25 July 2002,

Bearing in mind the relevant provisions of the final documents of the successive Conferences of Heads of State or Government of Non-Aligned Countries and of the resolutions adopted by the Assembly of Heads of State and Government of the African Union, the Pacific Islands Forum and the Caribbean Community,

Conscious of the need to facilitate the implementation of the Declaration on the Granting of Independence to Colonial Countries and Peoples, contained in resolution 1514 (XV),

Noting that the large majority of the remaining Non-Self-Governing Territories are small island Territories,

Welcoming the assistance extended to Non-Self-Governing Territories by certain specialized agencies and other organizations of the United Nations system, in particular the United Nations Development Programme,

[1] A/58/66.

Also welcoming the current participation in the capacity of observers of those Non-Self-Governing Territories that are associate members of regional commissions in the world conferences in the economic and social sphere, subject to the rules of procedure of the General Assembly and in accordance with relevant United Nations resolutions and decisions, including resolutions and decisions of the Assembly and the Special Committee on specific Territories,

Noting that only some specialized agencies and other organizations of the United Nations system have been involved in providing assistance to Non-Self-Governing Territories,

Stressing that, because the development options of the small island Non-Self-Governing Territories are limited, there are special challenges to planning for and implementing sustainable development and that those Territories will be constrained in meeting the challenges without the continuing cooperation and assistance of the specialized agencies and other organizations of the United Nations system,

Stressing also the importance of securing the necessary resources for funding expanded programmes of assistance for the peoples concerned and the need to enlist the support of all major funding institutions within the United Nations system in that regard,

Reaffirming the mandates of the specialized agencies and other organizations of the United Nations system to take all appropriate measures, within their respective spheres of competence, to ensure the full implementation of General Assembly resolution 1514 (XV) and other relevant resolutions,

Expressing its appreciation to the African Union, the Pacific Islands Forum, the Caribbean Community and other regional organizations for the continued cooperation and assistance they have extended to the specialized agencies and other organizations of the United Nations system in this regard,

Expressing its conviction that closer contacts and consultations between and among the specialized agencies and other organizations of the United Nations system and regional organizations help to facilitate the effective formulation of programmes of assistance to the peoples concerned,

Mindful of the imperative need to keep under continuous review the activities of the specialized agencies and other organizations of the United Nations system in the implementation of the various United Nations decisions relating to decolonization,

Bearing in mind the extremely fragile economies of the small island Non-Self-Governing Territories and their vulnerability to natural disasters, such as hurricanes, cyclones and sea-level rise, and recalling the relevant resolutions of the General Assembly,

Recalling General Assembly resolution 57/133 of 11 December 2002 on the implementation of the Declaration by the specialized agencies and the international institutions associated with the United Nations,

1. *Takes note* of the report of the Secretary-General;[1]

2. *Recommends* that all States intensify their efforts in the specialized agencies and other organizations of the United Nations system to ensure the full and effective implementation of the Declaration on the Granting of Independence to Colonial Countries and Peoples, contained in General Assembly resolution 1514 (XV), and other relevant resolutions of the United Nations;

3. *Reaffirms* that the specialized agencies and other organizations and institutions of the United Nations system should continue to be guided by the relevant resolutions of the United Nations in their efforts to contribute to the implementation of the Declaration and all other relevant General Assembly resolutions;

4. *Reaffirms also* that the recognition by the General Assembly, the Security Council and other United Nations organs of the legitimacy of the aspirations of the peoples of the Non-Self-Governing Territories to exercise their right to self-determination entails, as a corollary, the extension of all appropriate assistance to those peoples;

5. *Expresses its appreciation* to those specialized agencies and other organizations of the United Nations system that have continued to cooperate with the United Nations and the regional and subregional organizations in the implementation of General Assembly resolution 1514 (XV) and other relevant resolutions of the United Nations, and requests all the specialized agencies and other organizations of the United Nations system to implement the relevant provisions of those resolutions;

6. *Requests* the specialized agencies and other organizations of the United Nations system and international and regional organizations to examine and review conditions in each Territory so as to take appropriate measures to accelerate progress in the economic and social sectors of the Territories;

7. *Urges* those specialized agencies and organizations of the United Nations system that have not yet provided assistance to Non-Self-Governing Territories to do so as soon as possible;

8. *Requests* the specialized agencies and other organizations and institutions of the United Nations system and regional organizations to strengthen existing measures of support and formulate appropriate programmes of assistance to the remaining Non-Self-Governing Territories, within the framework of their respective mandates, in order to accelerate progress in the economic and social sectors of those Territories;

9. *Requests* the specialized agencies and other organizations of the United Nations system concerned to provide information on:

(a) Environmental problems facing the Non-Self-Governing Territories;

(b) The impact of natural disasters, such as hurricanes and volcanic eruptions, and other environmental problems, such as beach and coastal erosion and droughts, on those Territories;

(c) Ways and means to assist the Territories to fight drug trafficking, money-laundering and other illegal and criminal activities;

(d) The illegal exploitation of the marine resources of the Territories and the need to utilize those resources for the benefit of the peoples of the Territories;

10. *Recommends* that the executive heads of the specialized agencies and other organizations of the United Nations system formulate, with the active cooperation of the regional organizations concerned, concrete proposals for the full implementation of the relevant resolutions of the United Nations and submit the proposals to their governing and legislative organs;

11. *Also recommends* that the specialized agencies and other organizations of the United Nations system continue to review at the regular meetings of their

governing bodies the implementation of General Assembly resolution 1514 (XV) and other relevant resolutions of the United Nations;

12. *Welcomes* the continuing initiative exercised by the United Nations Development Programme in maintaining close liaison among the specialized agencies and other organizations of the United Nations system and in providing assistance to the peoples of the Non-Self-Governing Territories;

13. *Encourages* Non-Self-Governing Territories to take steps to establish and/or strengthen disaster preparedness and management institutions and policies;

14. *Requests* the administering Powers concerned to facilitate, when appropriate, the participation of appointed and elected representatives of Non-Self-Governing Territories in the relevant meetings and conferences of the specialized agencies and other organizations of the United Nations system, in accordance with relevant United Nations resolutions and decisions, including resolutions and decisions of the General Assembly and the Special Committee on the Situation with regard to the Implementation of the Declaration on the Granting of Independence to Colonial Countries and Peoples on specific Territories, so that the Territories may benefit from the related activities of those agencies and organizations;

15. *Recommends* that all Governments intensify their efforts in the specialized agencies and other organizations of the United Nations system of which they are members to accord priority to the question of providing assistance to the peoples of the Non-Self-Governing Territories;

16. *Requests* the Secretary-General to continue to assist the specialized agencies and other organizations of the United Nations system in working out appropriate measures for implementing the relevant resolutions of the United Nations and to prepare for submission to the relevant bodies, with the assistance of those agencies and organizations, a report on the action taken in implementation of the relevant resolutions, including the present resolution, since the circulation of his previous report;

17. *Commends* the Economic and Social Council for its debate and resolution on this question, and requests it to continue to consider, in consultation with the Special Committee, appropriate measures for the coordination of the policies and activities of the specialized agencies and other organizations of the United Nations system in implementing the relevant resolutions of the General Assembly;

18. *Requests* the specialized agencies to report periodically to the Secretary-General on the implementation of the present resolution;

19. *Requests* the Secretary-General to transmit the present resolution to the governing bodies of the appropriate specialized agencies and international institutions associated with the United Nations so that those bodies may take the necessary measures to implement the resolution, and also requests the Secretary-General to report to the General Assembly at its fifty-ninth session on the implementation of the present resolution;

20. *Decides*, subject to any directives the General Assembly might wish to give at its fifty-eighth session, to continue to examine the question and to report thereon to the Assembly at its fifty-ninth session.

United Nations A/AC.109/2003/26

General Assembly

Distr.: General
24 June 2003

Special Committee on the Situation with regard to the Implementation of the Declaration on the Granting of Independence to Colonial Countries and Peoples

Resolution adopted by the Special Committee at its 10th meeting, on 23 June 2003

Question of Tokelau

The Special Committee,

Having considered the question of Tokelau,

Recalling the solemn declaration on the future status of Tokelau, contained in the 1994 "Voice of Tokelau", which stated that an act of self-determination in Tokelau was under active consideration, together with the constitution of a self-governing Tokelau, and that the then preference of Tokelau was for a status of free association with New Zealand,

Recalling also General Assembly resolution 1514 (XV) of 14 December 1960, containing the Declaration on the Granting of Independence to Colonial Countries and Peoples, and all resolutions and decisions of the United Nations relating to Non-Self-Governing Territories, in particular General Assembly resolution 56/71 of 10 December 2001,

Recalling further the emphasis placed in the solemn declaration on the terms of Tokelau's special relationship with New Zealand, including the expectation that the form of help that Tokelau could continue to expect from New Zealand in promoting the well-being of its people, besides its external interests, would be clearly established within the framework of that relationship,

Noting with appreciation the continuing exemplary cooperation of New Zealand as the administering Power with regard to the work of the Special Committee relating to Tokelau and its readiness to permit access by United Nations visiting missions to the Territory,

Noting also with appreciation the collaborative contribution to the development of Tokelau by New Zealand and the specialized agencies and other organizations of the United Nations system, in particular the United Nations Development Programme and the World Health Organization,

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Recalling the dispatch in August 2002 of a United Nations Mission to Tokelau, at the invitation of the Government of New Zealand and the representatives of Tokelau,

Recalling the report of the United Nations Mission to Tokelau, 2002,[1]

Noting that, as a small island Territory, Tokelau exemplifies the situation of most remaining Non-Self-Governing Territories,

Noting also that, as a case study pointing to successful cooperation for decolonization, Tokelau has wider significance for the United Nations as it seeks to complete its work in decolonization,

1. *Notes* that Tokelau remains firmly committed to the development of self-government and to an act of self-determination that would result in Tokelau assuming a status in accordance with the options on future status for Non-Self-Governing Territories contained in principle VI of the annex to General Assembly resolution 1541 (XV) of 15 December 1960;

2. *Also notes* the desire of Tokelau to move at its own pace towards an act of self-determination;

3. *Further notes* the inauguration in 1999 of a national Government based on village elections by universal adult suffrage;

4. *Acknowledges* Tokelau's goal to return authority to its traditional leadership, and its wish to provide that leadership with the necessary support to carry out its functions in the contemporary world;

5. *Acknowledges also* the progress made to that goal under the Modern House of Tokelau programme and welcomes the decision taken by the General Fono in June 2003 to set a target date of 30 June 2004 for the transfer to each Taupulega (Village Council) of full responsibility for the management of all its public services;

6. *Further acknowledges* Tokelau's initiative in devising a strategic economic development plan for the period 2002-2004 to advance its capacity for self-government;

7. *Notes* that, consistent with the expressed desires of past traditional leaders and the principles of the Modern House of Tokelau, Tokelau has established a local public service employer;

8. *Welcomes* the continuing dialogue with the administering Power and the Territory with a view to the development of a programme of work for Tokelau in accordance with General Assembly resolution 55/147 of 8 December 2000;

9. *Acknowledges* the continuing support that New Zealand has committed to the Modern House of Tokelau project in 2002-2003, and the cooperation of the United Nations Development Programme in aligning its programmes under the project;

10. *Notes* that the Constitution of a self-governing Tokelau will continue to develop as a part and as a consequence of the building of the Modern House of Tokelau, and that both have national and international importance for Tokelau;

[1] A/AC.109/2002/31.

11. *Acknowledges* Tokelau's need for continued reassurance, given the cultural adjustments that are taking place with the strengthening of its capacity for self-government and, since local resources cannot adequately cover the material side of self-determination, the ongoing responsibility of Tokelau's external partners to assist Tokelau in balancing its desire to be self-reliant to the greatest extent possible with its need for external assistance;

12. *Notes* the special challenge inherent in the situation of Tokelau, among the smallest of the small Territories, and that a Territory's exercise of its inalienable right to self-determination may be brought closer, as in the case of Tokelau, by the meeting of that challenge in innovative ways;

13. *Acknowledges* the desire of the partners to reaffirm their commitment to each other and welcomes the agreement reached in Wellington on 19 June 2003 on the text of an agreement on the principles underpinning the relationship for which the formal approval of the Government of New Zealand is being sought;

14. *Welcomes* the assurance of the Government of New Zealand that it will meet its obligations to the United Nations with respect to Tokelau and abide by the freely expressed wishes of the people of Tokelau with regard to their future status;

15. *Also welcomes* the cooperative attitude of the other States and Territories in the region towards Tokelau, its economic and political aspirations and its increasing participation in regional and international affairs;

16. *Further welcomes* Tokelau's associate membership in the United Nations Educational, Scientific and Cultural Organization and its recent accession to associate membership in the Forum Fisheries Agency;

17. *Notes* the approval by the General Assembly of the report of the United Nations Mission to Tokelau, 2002;[1]

18. *Notes also* that a study to review the options for Tokelau's future self-determination is recommended in the report, and further notes the willingness expressed by the United Nations Development Programme to assist in this regard upon request from Tokelau;

19. *Calls upon* New Zealand and Tokelau to consider developing an information programme to inform the population of Tokelau about the nature of self-determination, including the three options of integration, free association and independence, so that it may be better prepared to face a future decision on this matter, and welcomes the invitation extended to the Chairman of the Special Committee to attend the constitutional convention to be held in Tokelau in September 2003;

20. *Calls upon* the administering Power and United Nations agencies to continue to provide assistance to Tokelau as it further develops its economy and governance structures in the context of its ongoing constitutional evolution;

21. *Decides* to continue examination of the question of the Non-Self-Governing Territory of Tokelau and to report thereon to the General Assembly at its fifty-ninth session.